

103D CONGRESS
1ST SESSION

S. 1356

To restore order, deter crime, and make our neighborhoods and communities safer and more secure places in which to live and work.

IN THE SENATE OF THE UNITED STATES

AUGUST 4 (legislative day, JUNE 30), 1993

Mr. DOLE (for himself, Mr. HATCH, Mr. THURMOND, Mr. GRAMM, Mr. MACK, Mr. SIMPSON, Mr. COCHRAN, Mrs. KASSEBAUM, Mr. HELMS, Mr. D'AMATO, Mr. STEVENS, Mr. LOTT, Mr. GRASSLEY, Mr. DOMENICI, Mr. BROWN, Mr. NICKLES, and Mr. WALLOP) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To restore order, deter crime, and make our neighborhoods and communities safer and more secure places in which to live and work.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Neighborhood Security Act of 1993”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—SAFE STREETS

Subtitle A—Police

CHAPTER 1—DEFENSE CONVERSION

- Sec. 101. Definition.
- Sec. 102. America's Safe Streets Program.

CHAPTER 2—COPS ON THE STREET

- Sec. 111. Short title.
- Sec. 112. Enhanced local law enforcement.

CHAPTER 3—POLICE CORPS PROGRAM

- Sec. 121. Purposes.
- Sec. 122. Definitions.
- Sec. 123. Establishment of Office of the Police Corps and Law Enforcement Education.
- Sec. 124. Designation of lead agency and submission of State plan.
- Sec. 125. Scholarship assistance.
- Sec. 126. Selection of participants.
- Sec. 127. Service obligation.
- Sec. 128. State plan requirements.
- Sec. 129. Reports to Congress.
- Sec. 130. Authorization of appropriations.

CHAPTER 4—COMMUNITY POLICING GRANTS

- Sec. 141. Community policing grants.

CHAPTER 5—IMPROVED TRAINING AND TECHNICAL AUTOMATION

- Sec. 151. Grants.
- Sec. 152. Training courses.
- Sec. 153. Authorization of appropriations.

Subtitle B—Prisons

CHAPTER 1—REGIONAL PRISONS FOR VIOLENT CRIMINALS AND VIOLENT
CRIMINAL ALIENS

- Sec. 161. Definitions.
- Sec. 162. Construction of prisons.
- Sec. 163. Acceptance of prisoners.
- Sec. 164. Qualifying State.
- Sec. 165. Authorization of appropriations.

CHAPTER 2—FEDERAL GRANTS FOR STATE PRISON CONSTRUCTION AND
OPERATION

- Sec. 171. Definition.
- Sec. 172. Grants.
- Sec. 173. Construction grants.
- Sec. 174. Operating grants.
- Sec. 175. Canceling grants.
- Sec. 176. Distribution of grants.
- Sec. 177. Authorization of appropriations.

CHAPTER 3—JUDICIAL REMEDIES FOR PRISON CROWDING

- Sec. 181. Purpose.
- Sec. 182. Findings.
- Sec. 183. Appropriate remedies.

CHAPTER 4—SENTENCES TO ACCOUNT FOR COSTS TO THE GOVERNMENT OF IMPRISONMENT, RELEASE, AND PROBATION

- Sec. 191. Imposition of sentence.
- Sec. 192. Duties of the sentencing commission.

TITLE II—SAFE SCHOOLS

- Sec. 201. Definition.
- Sec. 202. America's Safe Schools Program.
- Sec. 203. Federal safe school districts.

TITLE III—CRIMINAL ALIENS AND ALIEN SMUGGLING

Subtitle A—Deportation of Criminal Aliens

- Sec. 301. Deportation procedures for certain criminal aliens who are not permanent residents.
- Sec. 302. Judicial deportation.
- Sec. 303. Restricting defenses to deportation for certain criminal aliens.
- Sec. 304. Enhancing penalties for failing to depart, or reentering, after final order of deportation.
- Sec. 305. Miscellaneous and technical changes.

Subtitle B—Prevention and Punishment of Alien Smuggling

- Sec. 311. Increased penalties for alien smuggling.
- Sec. 312. Smuggling aliens for commission of crimes.
- Sec. 313. Addition of alien smuggling to RICO.
- Sec. 314. Expanded forfeiture for smuggling or harboring illegal aliens.
- Sec. 315. Expansion of definition of aggravated felony.
- Sec. 316. Amendment of sentencing guidelines.
- Sec. 317. Increased penalty for Visa fraud.
- Sec. 318. Training of airline personnel in detection of fraudulent documents.

Subtitle C—Border Patrol

- Sec. 321. Border Patrol agents.
- Sec. 322. Immigration and Naturalization Service criminal investigators.
- Sec. 323. Criminal alien tracking center.

TITLE IV—GANGS, JUVENILES, DRUGS, AND PROSECUTORS

- Sec. 401. Short title.

Subtitle A—Criminal Youth Gangs

- Sec. 411. Criminal street gangs offenses.
- Sec. 412. Crimes involving the use of minors as RICO predicates.
- Sec. 413. Serious juvenile drug offenses as Armed Career Criminal Act predicates.
- Sec. 414. Adult prosecution of serious juvenile offenders.

- Sec. 415. Increased penalties for employing children to distribute drugs near schools and playgrounds.
- Sec. 416. Increased penalties for drug trafficking near public housing.
- Sec. 417. Increased penalties for Travel Act crimes involving violence and conspiracy to commit contract killings.
- Sec. 418. Amendments concerning records of crimes committed by juveniles.
- Sec. 419. Addition of anti-gang Byrne Grant funding objective.

Subtitle B—Gang Prosecution

- Sec. 431. Additional prosecutors.
- Sec. 432. Gang investigation coordination and information collection.
- Sec. 433. Continuation of Federal-State funding formula.
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- Sec. 511. Rural substance abuse treatment and education grants.

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- Sec. 521. Asset forfeiture.
- Sec. 522. Prosecution of clandestine laboratory operators.

Subtitle D—Chemical Control

- Sec. 531. Short title.
- Sec. 532. Definition amendments.
- Sec. 533. Registration requirements.
- Sec. 534. Reporting of listed chemical manufacturing.
- Sec. 535. Reports by brokers and traders; criminal penalties.
- Sec. 536. Exemption authority; additional penalties.
- Sec. 537. Amendments to list I.
- Sec. 538. Elimination of regular supplier status and creation of regular importer status.
- Sec. 539. Administrative inspections and authority.
- Sec. 540. Threshold amounts.
- Sec. 541. Management of listed chemicals.
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- Sec. 543. Attorney General access to the national practitioner data bank.
- Sec. 544. Regulations and effective date.

Subtitle E—Personnel

- Sec. 551. More agents for the Drug Enforcement Administration.
- Sec. 552. Adequate staffing of the Office of National Drug Policy.

TITLE VI—PUNISHMENT AND DETERRENCE

Subtitle A—Death Penalty

- Sec. 601. Short title.
- Sec. 602. Death penalty procedures.
- Sec. 603. Conforming amendment relating to destruction of aircraft or aircraft facilities.
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- Sec. 605. Conforming amendment relating to transporting explosives.
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- Sec. 607. Conforming amendment relating to malicious destruction of interstate property by explosives.
- Sec. 608. Conforming amendment relating to murder.
- Sec. 609. Conforming amendment relating to killing official guests or internationally protected persons.
- Sec. 610. Murder by Federal prisoner.
- Sec. 611. Conforming amendment relating to kidnapping.
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- Sec. 614. Conforming amendment relating to Presidential assassination.
- Sec. 615. Conforming amendment relating to murder for hire.
- Sec. 616. Conforming amendment relating to violent crimes in aid of racketeering activity.
- Sec. 617. Conforming amendment relating to wrecking trains.
- Sec. 618. Conforming amendment relating to bank robbery.
- Sec. 619. Conforming amendment relating to terrorist acts.
- Sec. 620. Conforming amendment relating to aircraft hijacking.
- Sec. 621. Conforming amendment to Controlled Substances Act.
- Sec. 622. Conforming amendment relating to genocide.
- Sec. 623. Protection of court officers and jurors.
- Sec. 624. Prohibition of retaliatory killings of witnesses, victims, and informants.
- Sec. 625. Death penalty for murder of Federal law enforcement officers.
- Sec. 626. Death penalty for murder of State or local law enforcement officers assisting Federal law enforcement officers.
- Sec. 627. Implementation of the 1988 protocol for the suppression of unlawful acts of violence at airports serving international civil aviation.
- Sec. 628. Amendment to Federal Aviation Act.
- Sec. 629. Offenses of violence against maritime navigation or fixed platforms.
- Sec. 630. Torture.
- Sec. 631. Weapons of mass destruction.
- Sec. 632. Homicides and attempted homicides involving firearms in Federal facilities.
- Sec. 633. Death penalty for civil rights murders.
- Sec. 634. Death penalty for murder of Federal witnesses.
- Sec. 635. Drive-by shootings.
- Sec. 636. Death penalty for gun murders during Federal crimes of violence and drug trafficking crimes.
- Sec. 637. Death penalty for rape and child molestation murders.
- Sec. 638. Protection of jurors and witnesses in capital cases.
- Sec. 639. Inapplicability to Uniform Code of Military Justice.
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- Sec. 651. Short title.
- Sec. 652. Prohibition of racially discriminatory policies concerning capital punishment or other penalties.
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- Sec. 655. Extension of protection of civil rights statutes.

Subtitle C—Enhanced Penalties for Criminal Use of Firearms and Explosives

- Sec. 661. Smuggling firearms in aid of drug trafficking.
- Sec. 662. Prohibition against theft of firearms or explosives.
- Sec. 663. Increased penalty for knowingly false, material statement in connection with the acquisition of a firearm from a licensed dealer.
- Sec. 664. Summary destruction of explosives subject to forfeiture.
- Sec. 665. Elimination of outmoded language relating to parole.
- Sec. 666. Receipt of firearms by nonresident.
- Sec. 667. Prohibition of theft of firearms or explosives from licensee.
- Sec. 668. Increased penalty for interstate gun trafficking.
- Sec. 669. Prohibition of transactions involving stolen firearms which have moved in interstate or foreign commerce.
- Sec. 670. Possession of explosives by felons and others.
- Sec. 671. Disposition of forfeited firearms.
- Sec. 672. Definition of burglary under the armed career criminal statute.

Subtitle D—Exclusionary Rule

- Sec. 681. Admissibility of certain evidence.

Subtitle E—Pre-Trial Interrogation

- Sec. 691. Pre-trial interrogation.

TITLE VII—ELIMINATION OF DELAYS IN CARRYING OUT SENTENCES

Subtitle A—General Habeas Corpus Reform

- Sec. 701. Short title.
- Sec. 702. Period of limitation.
- Sec. 703. Appeal.
- Sec. 704. Amendment of Federal rules of appellate procedure.
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Subtitle B—Death Penalty Litigation Procedures

- Sec. 711. Short title.
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TITLE VIII—PREVENTION OF TERRORISM

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- Sec. 801. Providing material support to terrorism.
- Sec. 802. Enhanced penalties for certain offenses.
- Sec. 803. Sentencing guidelines increase for terrorist crimes.
- Sec. 804. Extension of the statute of limitations for certain terrorism offenses.
- Sec. 805. Forfeiture of assets used to support terrorists.
- Sec. 806. Alien witness cooperation.
- Sec. 807. Territorial sea extending to 12 miles included in special maritime and territorial jurisdiction.
- Sec. 808. Assimilated crimes in extended territorial sea.
- Sec. 809. Jurisdiction over crimes against United States nationals on certain foreign ships.
- Sec. 810. Penalties for international terrorist acts.
- Sec. 811. Authorization of appropriations.
- Sec. 812. International parental kidnapping.
- Sec. 813. Foreign murder of United States nationals.
- Sec. 814. Extradition.
- Sec. 815. FBI access to telephone subscriber information.

Subtitle B—Removal of Alien Terrorists

- Sec. 821. Removal of alien terrorists.

Subtitle C—Enhanced Entry Controls

- Sec. 831. Admissions fraud.
- Sec. 832. Inspection and exclusion by immigration officers.
- Sec. 833. Judicial review.
- Sec. 834. Conforming amendments.
- Sec. 835. Effective date.

TITLE IX—VICTIMS' RIGHTS AND CHILD ABUSE

Subtitle A—Victims' Rights

- Sec. 901. Restitution amendments.
- Sec. 902. Right of the victim to an impartial jury.
- Sec. 903. Mandatory restitution and other provisions.

Subtitle B—National Child Protection Act

- Sec. 911. Short title.
- Sec. 912. Findings and purposes.
- Sec. 913. Definitions.
- Sec. 914. Reporting by the States.
- Sec. 915. Background checks.
- Sec. 916. Funding for improvement of child abuse crime information.

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- Sec. 922. Establishment of program.
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TITLE X—VIOLENT CRIMES AND LAW ENFORCEMENT SUPPORT

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- Sec. 1001. Addition of attempted robbery, kidnapping, smuggling, and property damage offenses to eliminate inconsistencies and gaps in coverage.
- Sec. 1002. Increase in maximum penalty for assault.
- Sec. 1003. Increased maximum penalty for manslaughter.
- Sec. 1004. Increased penalty for Travel Act violations.
- Sec. 1005. Increased penalty for conspiracy to commit murder for hire.
- Sec. 1006. Federal penalties for carjacking.
- Sec. 1007. Increased mandatory minimum sentences for criminals using firearms.
- Sec. 1008. Life imprisonment without release for criminals convicted a third time.

Subtitle B—National Commission to Support Law Enforcement

- Sec. 1021. Short title.
- Sec. 1022. Findings.
- Sec. 1023. Establishment of Commission.
- Sec. 1024. Duties.
- Sec. 1025. Membership.
- Sec. 1026. Experts and consultants.
- Sec. 1027. Powers of Commission.
- Sec. 1028. Report.
- Sec. 1029. Termination.
- Sec. 1030. Authorization of appropriations.
- Sec. 1031. Repeals.

TITLE XI—CIVIL RIGHTS OFFENSES

- Sec. 1101. Increased maximum penalties for civil rights violations.

TITLE XII—PUBLIC CORRUPTION

- Sec. 1201. Short title.
- Sec. 1202. Public corruption.
- Sec. 1203. Interstate commerce.
- Sec. 1204. Narcotics-related public corruption.

TITLE XIII—FUNDING

- Sec. 1301. Reduction in overhead costs incurred in federally sponsored research.
- Sec. 1302. Overhead expense reduction.
- Sec. 1303. Funding of programs authorized by this Act.

TITLE I—SAFE STREETS

Subtitle A—Police

CHAPTER 1—DEFENSE CONVERSION

SEC. 101. DEFINITION.

In this chapter, “former member of the Armed Forces” means a member of the Armed Forces of the

1 United States who is involuntarily separated from the
2 Armed Forces within the meaning of section 1141 of title
3 10, United States Code.

4 **SEC. 102. AMERICA'S SAFE STREETS PROGRAM.**

5 (a) PROGRAM ESTABLISHMENT.—

6 (1) AMERICA'S SAFE STREETS PROGRAM.—The
7 program established by this section shall be referred
8 to as “America's Safe Streets Program”.

9 (2) AGREEMENTS.—The Attorney General, in
10 consultation with the Secretary of Defense, may
11 enter into an agreement with a State or local law en-
12 forcement agency to pay, and may pay, for a period
13 of 6 years, including any required periods of train-
14 ing, the salaries of former members of the Armed
15 Forces who are hired within 5 years after the date
16 of enactment of this Act as police officers assigned
17 to neighborhood patrol duties.

18 (b) AMOUNT.—

19 (1) MAXIMUM.—(A) The maximum Federal
20 share of an annual salary for the first 3 years that
21 a police officer may be paid under an agreement de-
22 scribed in subsection (a) is the annual salary earned
23 by the officer during his or her last year as a mem-
24 ber of the Armed Forces.

1 (B) The maximum Federal share of an annual
2 salary for the 4th through 6th years that a police of-
3 ficer may be paid under an agreement described in
4 subsection (a) is 50 percent of the annual salary
5 earned by the officer during his or her last year as
6 a member of the Armed Forces.

7 (2) ENTRY LEVEL.—To the extent that it is
8 practicable to do so, a State or local law enforce-
9 ment agency shall hire a former member of the
10 Armed Forces whose salary is to be paid under an
11 agreement described in subsection (a) at a level of
12 seniority, in consideration of the former member's
13 years of service and training as a member of the
14 Armed Forces, that will permit the former member
15 to be paid at least the maximum amount of annual
16 salary under paragraph (1).

17 (3) PRIORITY.—In making awards under this
18 section, the Attorney General may give priority to
19 agencies located in communities that are adversely
20 affected by the recent closing of a military base or
21 facility.

22 (4) FORMULA.—In making awards under this
23 section, the Attorney General shall insure that no
24 State receives less than .50 percent of the funds ap-
25 propriated under this section.

1 (c) ENLARGEMENT OF POLICE FORCE.—It shall be
 2 a condition to payment of salaries under an agreement de-
 3 scribed in subsection (a) that the number of police officers
 4 assigned to neighborhood patrol duties (not including any
 5 officers whose salaries in whole or in part are paid under
 6 this title), and the size of the law enforcement agency’s
 7 staff overall, shall not be diminished during the term of
 8 the agreement.

9 (d) AUTHORIZATION OF APPROPRIATIONS.—There
 10 are authorized to be appropriated to carry out the pro-
 11 gram authorized by this section—

- 12 (1) \$100,000,000 for fiscal year 1994;
- 13 (2) \$125,000,000 for fiscal year 1995;
- 14 (3) \$175,000,000 for fiscal year 1996;
- 15 (4) \$200,000,000 for fiscal year 1997; and
- 16 (5) \$200,000,000 for fiscal year 1998.

17 **CHAPTER 2—COPS ON THE STREET**

18 **SEC. 111. SHORT TITLE.**

19 This chapter may be cited as the “Cops on the Street
 20 Act of 1993”.

21 **SEC. 112. ENHANCED LOCAL LAW ENFORCEMENT.**

22 (a) IN GENERAL.—Title I of the Omnibus Crime
 23 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
 24 et seq.) is amended—

- 25 (1) by redesignating part Q as part R;

1 (2) by redesignating section 1701 as section
2 1801; and

3 (3) by inserting after part P the following:

4 **“PART Q—COPS ON THE STREET GRANTS**

5 **“SEC. 1701. GRANT AUTHORIZATION.**

6 “The Director of the Bureau of Justice Assistance
7 may make not less than 50, but not more than 100 grants
8 to units of local government for the purposes of increasing
9 police presence in the community. The Director shall take
10 steps to ensure, to the extent practicable, that each State
11 receives at least 1 grant.

12 **“SEC. 1702. APPLICATION.**

13 “(a) IN GENERAL.—To be eligible to receive a grant
14 under this part, a chief executive of a unit of local govern-
15 ment, shall submit an application to the Director. The ap-
16 plication shall contain the information required under sub-
17 section (b) and be in such form and contain such other
18 information as the Director may reasonably require.

19 “(b) GENERAL CONTENTS.—Each application under
20 subsection (a) shall include—

21 “(1) a request for funds available under this
22 part for the purposes described in section 1701;

23 “(2) a description of the areas and populations
24 to be served by the grant and a description of the

1 crime problems within the areas targeted for assist-
2 ance;

3 “(3) information required to be considered by
4 the Director under section 1704;

5 “(4) assurances that Federal funds received
6 under this part shall be used to supplement, not
7 supplant, non-Federal funds that would otherwise be
8 available for activities funded under this part;

9 “(5) detailed accounts of expenditures for law
10 enforcement for the preceding 5-year period prior to
11 receiving a grant under this part;

12 “(6) detailed accounts of local expenditures for
13 law enforcement during any prior years in which
14 grants were received under this part; and

15 “(7) a description of how a portion of the grant
16 would be used to ensure the safety of public and pri-
17 vate elementary and secondary schools.

18 **“SEC. 1703. ADMINISTRATIVE COSTS; GRANT RENEWAL.**

19 “(a) ADMINISTRATIVE COST LIMITATION.—The Di-
20 rector shall use not more than 5 percent of the funds avail-
21 able under this part for the purposes of administration,
22 technical assistance, and evaluation.

23 “(b) RENEWAL OF GRANTS.—A grant under this
24 part may be renewed, subject to the availability of funds,
25 if the Director determines that the funds made available

1 to the recipient during the previous year were used in a
2 manner required under the approved application and the
3 requirements of this part.

4 **“SEC. 1704. SELECTION OF RECIPIENTS.**

5 “In awarding grants to units of local government
6 under this part, the Director shall consider—

7 “(1) the crime rate per capita in the unit of
8 local government for violent crime, including murder,
9 rape, robbery, assault with a weapon, and kidnap-
10 ping; and

11 “(2) the rate of increase of violent crime in
12 such unit of local government over the most recent
13 3-year period for which statistics are available.

14 **“SEC. 1705. REPORTS.**

15 “(a) REPORT TO DIRECTOR.—Recipients who receive
16 funds under this part shall submit to the Director not
17 later than March 1 of each year a report that describes
18 progress achieved in carrying out the plan required under
19 section 1702(c).

20 “(b) REPORT TO CONGRESS.—The Director shall
21 submit to the Congress a report by October 1 of each year
22 that shall contain a detailed statement regarding grant
23 awards, activities of grant recipients, and an evaluation
24 of projects established under this part.

1 **“SEC. 1706. DEFINITION.**

2 “For the purposes of this part, the term ‘Director’
3 means the Director of the Bureau of Justice Assistance.”.

4 (b) TECHNICAL AMENDMENT.—The table of contents
5 of title I of the Omnibus Crime Control and Safe Streets
6 Act of 1968 (42 U.S.C. 3711 et seq.) is amended by strik-
7 ing the matter relating to part Q and inserting the follow-
8 ing:

“PART Q—COPS ON THE STREET GRANTS

“Sec. 1701. Grant authorization.

“Sec. 1702. Application.

“Sec. 1703. Allocation of funds; limitation on grants.

“Sec. 1704. Award of grants.

“Sec. 1705. Reports.

“Sec. 1706. Definition.

“PART R—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 1801. Continuation of rules, authorities, and proceedings.”.

9 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
10 1001(a) of title I of the Omnibus Crime Control and Safe
11 Streets Act of 1968 (42 U.S.C. 3793) is amended—

12 (1) in paragraph (3) by striking “and O” and
13 inserting “O, P, and Q”; and

14 (2) by adding at the end the following new
15 paragraph:

16 “(11) There are authorized to be appropriated to
17 carry out projects under part Q—

18 “(A) \$100,000,000 for fiscal year 1994;

19 “(B) \$100,000,000 for fiscal year 1995;

20 “(C) \$150,000,000 for fiscal year 1996;

1 “(D) \$150,000,000 for fiscal year 1997; and

2 “(E) \$150,000,000 for fiscal year 1998.”.

3 **CHAPTER 3—POLICE CORPS PROGRAM**

4 **SEC. 121. PURPOSES.**

5 The purposes of this chapter are to—

6 (1) address violent crime in urban and rural
7 areas by increasing the number of police with ad-
8 vanced education and training on community patrol;
9 and

10 (2) provide educational assistance to law en-
11 forcement personnel and to students who possess a
12 sincere interest in public service in the form of law
13 enforcement.

14 **SEC. 122. DEFINITIONS.**

15 In this chapter—

16 “academic year” means a traditional academic
17 year beginning in August or September and ending
18 in the following May or June.

19 “dependent child” means a natural or adopted
20 child or stepchild of a law enforcement officer who
21 at the time of the officer’s death—

22 (1) was no more than 21 years old; or

23 (2) if older than 21 years, was in fact de-
24 pendent on the child’s parents for at least one-
25 half of the child’s support (excluding edu-

1 cational expenses), as determined by the Direc-
2 tor.

3 “Director” means the Director of the Office of
4 the Police Corps and Law Enforcement Education
5 appointed under section 123.

6 “educational expenses” means expenses that
7 are directly attributable to—

8 (1) a course of education leading to the
9 award of the baccalaureate degree in legal- or
10 criminal justice-related studies; or

11 (2) a course of graduate study legal or
12 criminal justice studies following award of a
13 baccalaureate degree,

14 including the cost of tuition, fees, books, supplies,
15 transportation, room and board and miscellaneous
16 expenses.

17 “institution of higher education” has the mean-
18 ing stated in the first sentence of section 1201(a) of
19 the Higher Education Act of 1965 (20 U.S.C.
20 1141(a)).

21 “participant” means a participant in the Police
22 Corps program selected pursuant to section 126.

23 “State” means a State of the United States,
24 the District of Columbia, the Commonwealth of
25 Puerto Rico, the Virgin Islands, American Samoa,

1 Guam, and the Commonwealth of the Northern Mar-
2 iana Islands.

3 “State Police Corps program” means a State
4 police corps program approved under section 138.

5 **SEC. 123. ESTABLISHMENT OF OFFICE OF THE POLICE**
6 **CORPS AND LAW ENFORCEMENT EDUCATION.**

7 (a) ESTABLISHMENT.—There is established in the
8 Department of Justice, under the general authority of the
9 Attorney General, an Office of the Police Corps.

10 (b) APPOINTMENT OF DIRECTOR.—The Office of the
11 Police Corps and Law Enforcement Education shall be
12 headed by a Director who shall be appointed by the Presi-
13 dent, by and with the advice and consent of the Senate.

14 (c) RESPONSIBILITIES OF DIRECTOR.—The Director
15 shall be responsible for the administration of the Police
16 Corps program established in this chapter and shall have
17 authority to promulgate regulations to implement this
18 chapter.

19 **SEC. 124. DESIGNATION OF LEAD AGENCY AND SUBMIS-**
20 **SION OF STATE PLAN.**

21 (a) LEAD AGENCY.—A State that desires to partici-
22 pate in the Police Corps program shall designate a lead
23 agency that will be responsible for—

24 (1) submitting to the Director a State plan de-
25 scribed in subsection (b); and

1 (2) administering the program in the State.

2 (b) STATE PLANS.—A State plan shall—

3 (1) contain assurances that the lead agency
4 shall work in cooperation with the local law enforce-
5 ment liaisons, representatives of police management
6 organizations, and other appropriate State and local
7 agencies to develop and implement interagency
8 agreements designed to carry out the program;

9 (2) contain assurances that the State shall ad-
10 vertise the assistance available under this chapter;

11 (3) contain assurances that the State shall
12 screen and select law enforcement personnel for par-
13 ticipation in the program;

14 (4) if the State desires to participate in the Po-
15 lice Corps program, meet the requirements of section
16 128; and

17 (5) demonstrate that the State has the capacity
18 to employ the participants in the Police Corps pro-
19 gram from that State.

20 **SEC. 125. SCHOLARSHIP ASSISTANCE.**

21 (a) SCHOLARSHIPS AUTHORIZED.—(1) The Director
22 may award scholarships to participants who agree to work
23 in a State or local police force in accordance with agree-
24 ments entered into pursuant to subsection (d).

1 (2)(A) Except as provided in subparagraph (B) each
2 scholarship payment made under this section for each aca-
3 demic year shall not exceed the lesser of—

4 (i) \$7,500; or

5 (ii) the cost of the educational expenses related
6 to attending an institution of higher education.

7 (B) In the case of a participant who is pursuing a
8 course of educational study during substantially an entire
9 calendar year, the amount of scholarship payments made
10 during such year shall not exceed \$10,000.

11 (C) The total amount of scholarship assistance re-
12 ceived by any 1 student under this section shall not exceed
13 \$30,000.

14 (3) Recipients of scholarship assistance under this
15 section shall continue to receive such scholarship payments
16 only during such periods as the Director finds that the
17 recipient is maintaining satisfactory progress as deter-
18 mined by the institution of higher education the recipient
19 is attending.

20 (4)(A) The Director shall make scholarship payments
21 under this section directly to the institution of higher edu-
22 cation that the student is attending.

23 (B) Each institution of higher education receiving a
24 payment on behalf of a participant pursuant to subpara-
25 graph (A) shall remit to such student any funds in excess

1 of the costs of tuition, fees, and room and board payable
2 to the institution.

3 (b) REIMBURSEMENT AUTHORIZED.—(1) The Direc-
4 tor may make payments to a participant to reimburse such
5 participant for the costs of educational expenses if such
6 student agrees to work in a State or local police force in
7 accordance with the agreement entered into pursuant to
8 subsection (d).

9 (2)(A) Each payment made pursuant to paragraph
10 (1) for each academic year of study shall not exceed—

11 (i) \$7,500; or

12 (ii) the cost of educational expenses related to
13 attending an institution of higher education.

14 (B) In the case of a participant who is pursuing a
15 course of educational study during substantially an entire
16 calendar year, the amount of scholarship payments made
17 during such year shall not exceed \$10,000.

18 (C) The total amount of payments made pursuant to
19 subparagraph (A) to any 1 student shall not exceed
20 \$30,000.

21 (c) USE OF SCHOLARSHIP.—Scholarships awarded
22 under this subsection shall only be used to pay educational
23 expenses incurred while in attendance at an institution of
24 higher education—

1 (1) in a course of education leading to the
2 award of a baccalaureate degree in the area of legal
3 or criminal justice related studies, including attend-
4 ance at such an institution that does not itself
5 award such a degree if the courses taken there are
6 acceptable for credit toward a degree at an institu-
7 tion that does award such a degree, and including,
8 in the discretion of the Director, such expenses in-
9 curred prior to enrollment in the Police Corps pro-
10 gram; and

11 (2) for graduate and professional study.

12 (d) AGREEMENT.—(1) Each participant receiving a
13 scholarship or a payment under this section shall enter
14 into an agreement with the Director. Each such agreement
15 shall contain assurances that the participant shall—

16 (A) after successful completion of a bacca-
17 laureate program, work for 4 years in a State or
18 local police force without there having arisen suffi-
19 cient cause for the participant's dismissal under the
20 rules applicable to members of the police force of
21 which the participant is a member;

22 (B) complete satisfactorily an educational
23 course of study and receipt of a baccalaureate de-
24 gree (in the case of undergraduate study) or the re-
25 ward of credit to the participant for having com-

1 pleted one or more graduate courses (in the case of
2 graduate study); and

3 (C) repay all of the scholarship or payment re-
4 ceived plus interest at the rate of 10 percent in the
5 event that the conditions of subparagraphs (A) and
6 (B) are not complied with.

7 (2)(A) A recipient of a scholarship or payment under
8 this section shall not be considered in violation of the
9 agreement entered into pursuant to paragraph (1) if the
10 recipient—

11 (i) dies; or

12 (ii) becomes permanently and totally disabled as
13 established by the sworn affidavit of a qualified
14 physician.

15 (B) The Director shall expeditiously seek repayment
16 from participants who violate the agreement described in
17 paragraph (1).

18 (e) DEPENDENT CHILD.—A dependent child of a law
19 enforcement officer—

20 (1) who is a member of a State or local police
21 force or is a Federal criminal investigator or uni-
22 formed police officer,

23 (2) who is not a participant in the Police Corps
24 program, but

1 (3) who serves in a State for which the Director
2 has approved a Police Corps plan, and

3 (4) who is killed in the course of performing po-
4 lice duties,

5 shall be entitled to the scholarship assistance authorized
6 in this section for any course of study in any institution
7 of higher education. Such dependent child shall not incur
8 any repayment obligation in exchange for the scholarship
9 assistance provided in this section.

10 (f) GROSS INCOME.—For purposes of section 61 of
11 the Internal Revenue Code of 1986, a participant's or de-
12 pendent child's gross income shall not include any amount
13 paid as scholarship assistance under this section.

14 (g) APPLICATION.—Each participant desiring a
15 scholarship or payment under this section shall submit an
16 application as prescribed by the Director in such manner
17 and accompanied by such information as the Director may
18 reasonably require.

19 **SEC. 126. SELECTION OF PARTICIPANTS.**

20 (a) IN GENERAL.—Participants in State Police Corps
21 programs shall be selected on a competitive basis by each
22 State under regulations prescribed by the Director. A
23 State may only select as many participants as State police
24 or local law enforcement agencies are willing to accept and
25 are capable of accepting. A State shall certify that for each

1 participant selected, a State police or local law enforce-
2 ment agency has agreed to accept a participant.

3 (b) SELECTION CRITERIA AND QUALIFICATIONS.—

4 (1) In order to participate in a State Police Corps pro-
5 gram, a participant shall—

6 (A) be a citizen of the United States;

7 (B) meet the requirements for admission as a
8 trainee of the State or local police force to which the
9 participant will be assigned pursuant to the State
10 Police Corps plan, including achievement of satisfac-
11 tory scores on any applicable examination, except
12 that failure to meet the age requirement for a train-
13 ee of the State or local police shall not disqualify the
14 applicant if the applicant will be of sufficient age
15 upon completing an undergraduate course of study;

16 (C) possess the necessary mental and physical
17 capabilities and emotional characteristics to dis-
18 charge effectively the duties of a law enforcement of-
19 ficer;

20 (D) be of good character and demonstrate sin-
21 cere motivation and dedication to law enforcement
22 and public service;

23 (E) in the case of an undergraduate, agree in
24 writing that the participant will complete an edu-
25 cational course of study leading to the award of a

1 baccalaureate degree in law- or criminal justice-re-
2 lated studies and will then accept an appointment
3 and complete 4 years of service as an officer in the
4 State police or in a local police department within
5 the State;

6 (F) in the case of a participant desiring to un-
7 dertake or continue graduate study in law- or crimi-
8 nal justice-related studies, agree in writing that the
9 participant will accept an appointment and complete
10 4 years of service as an officer in the State police
11 or in a local police department within the State be-
12 fore undertaking or continuing graduate study;

13 (G) contract, with the consent of the partici-
14 pant's parent or guardian if the participant is a
15 minor, to serve for 4 years as an officer in the State
16 police or in a local police department, if an appoint-
17 ment is offered; and

18 (H) except as provided in paragraph (2), be
19 without previous law enforcement experience; and

20 (2)(A) Until the date that is 5 years after the date
21 of enactment of this Act, up to 10 percent of the appli-
22 cants accepted into the Police Corps program may be per-
23 sons who—

24 (i) have had some law enforcement experience;
25 and

1 (ii) have demonstrated special leadership poten-
2 tial and dedication to law enforcement.

3 (B)(i) The prior period of law enforcement of a par-
4 ticipant selected pursuant to subparagraph (A) shall not
5 be counted toward satisfaction of the participant's 4-year
6 service obligation under section 127, and such a partici-
7 pant shall be subject to the same benefits and obligations
8 under this subtitle as other participants, including those
9 stated in paragraph (1) (E) and (F).

10 (ii) Clause (i) shall not be construed to preclude
11 counting a participant's previous period of law enforce-
12 ment experience for purposes other than satisfaction of the
13 requirements of section 127, such as for purposes of deter-
14 mining such a participant's pay and other benefits, rank,
15 and tenure.

16 (3) It is the intent of this chapter that there shall
17 be no more than 20,000 participants in each graduating
18 class. The Director shall approve State plans providing in
19 the aggregate for such enrollment of applicants as shall
20 ensure, as nearly as possible, that there will be annual
21 graduating classes of 20,000. Each State shall be entitled
22 to at least 250 participants. In a year in which applica-
23 tions are received in a number greater than that which
24 will produce, in the judgment of the Director, a graduating
25 class of more than 20,000, the Director shall, in deciding

1 which applications to grant, give preference to those who
2 will be participating in State plans that provide law en-
3 forcement personnel to urban and rural areas of greatest
4 need.

5 (c) RECRUITMENT OF MINORITIES.—Each State par-
6 ticipating in the Police Corps program shall make special
7 efforts to seek and recruit qualified applicants from among
8 members of all racial, ethnic or gender groups. This sub-
9 section does not authorize an exception from the competi-
10 tive standards for admission established pursuant to sub-
11 sections (a) and (b).

12 (d) ENROLLMENT OF APPLICANT.—(1) An applicant
13 shall be accepted into a State Police Corps program on
14 the condition that the applicant will be matriculated in,
15 or accepted for admission at, an institution of higher edu-
16 cation—

17 (A) as a full-time student in an undergraduate
18 program leading to the award of a baccalaureate de-
19 gree; or

20 (B) for purposes of taking a graduate or profes-
21 sional course.

22 (2) If the applicant is not matriculated or accepted
23 as set forth in paragraph (1), the applicant's acceptance
24 in the program shall be revoked.

1 (e) LEAVE OF ABSENCE.—(1) A participant in a
2 State Police Corps program who requests a leave of ab-
3 sence from educational study, training or service for a pe-
4 riod not to exceed 1 year (or 18 months in the aggregate
5 in the event of multiple requests) due to temporary phys-
6 ical or emotional disability shall be granted such leave of
7 absence by the State.

8 (2) A participant who requests a leave of absence
9 from educational study, training or service for a period
10 not to exceed 1 year (or 18 months in the aggregate in
11 the event of multiple requests) for any reason other than
12 those listed in paragraph (1) may be granted such leave
13 of absence by the State.

14 (3) A participant who requests a leave of absence
15 from educational study or training for a period not to ex-
16 ceed 30 months to serve on an official church mission may
17 be granted such leave of absence.

18 (f) ADMISSION OF APPLICANTS.—An applicant may
19 be admitted into a State Police Corps program either be-
20 fore commencement of or during the applicant's course of
21 educational study.

22 **SEC. 127. SERVICE OBLIGATION.**

23 (a) SWEARING IN.—Upon completing satisfactorily
24 the participant's course of education and meeting the re-
25 quirements of the police force to which the participant is

1 assigned, a participant shall be sworn in as a member of
2 the police force to which the participant is assigned pursu-
3 ant to the State Police Corps plan, and shall serve for
4 4 years as a member of that police force.

5 (b) RIGHTS AND RESPONSIBILITIES.—A participant
6 shall have all of the rights and responsibilities of and shall
7 be subject to all rules and regulations applicable to other
8 members of the police force of which the participant is
9 a member, including those contained in applicable agree-
10 ments with labor organizations and those provided by
11 State and local law.

12 (c) DISCIPLINE.—If the police force of which the par-
13 ticipant is a member subjects the participant to discipline
14 such as would preclude the participant's completing 4
15 years of service, and result in denial of educational assist-
16 ance under section 125, the Director may, upon a showing
17 of good cause, permit the participant to complete the serv-
18 ice obligation in an equivalent alternative law enforcement
19 service and, if such service is satisfactorily completed, sec-
20 tion 125(d)(1)(C) shall not apply.

21 (d) LAYOFFS.—If the police force of which the partic-
22 ipant is a member lays off the participant such as would
23 preclude the participant's completing 4 years of service,
24 and result in denial of educational assistance under sec-
25 tion 125, the Director may permit the participant to com-

1 plete the service obligation in an equivalent alternative law
2 enforcement service and, if such service is satisfactorily
3 completed, section 125(d)(1)(C) shall not apply.

4 **SEC. 128. STATE PLAN REQUIREMENTS.**

5 A State Police Corps plan shall—

6 (1) provide for the screening and selection of
7 participants in accordance with the criteria set out
8 in section 126;

9 (2) state procedures governing the assignment
10 of participants in the Police Corps program to State
11 and local police forces (no more than 10 percent of
12 all the participants assigned in each year by each
13 State to be assigned to a statewide police force or
14 forces);

15 (3) provide that participants shall be assigned
16 to those geographic areas in which—

17 (A) there is the greatest need for addi-
18 tional law enforcement personnel; and

19 (B) the participants will be used most ef-
20 fectively;

21 (4) provide that to the extent consistent with
22 paragraph (3), a participant shall be assigned to an
23 area near the participant's home or such other place
24 as the participant may request;

1 (5) provide that to the extent feasible, a partici-
2 pant's assignment shall be made at the time the par-
3 ticipant is accepted into the program, subject to
4 change—

5 (A) prior to commencement of a partici-
6 pant's fourth year of undergraduate study,
7 under such circumstances as the plan may
8 specify; and

9 (B) from commencement of a participant's
10 fourth year of undergraduate study until com-
11 pletion of 4 years of police service by partici-
12 pant, only for compelling reasons or to meet the
13 needs of the State Police Corps program and
14 only with the consent of the participant;

15 (6) provide that no participant shall be assigned
16 to serve with a local police force—

17 (A) the size of which has declined by more
18 than 5 percent during the preceding year; or

19 (B) which has members who have been laid
20 off but not retired;

21 (7) provide that participants shall be placed and
22 to the extent feasible kept on community and pre-
23 ventive patrol;

24 (8) assure that participants will receive effective
25 training and leadership;

1 (9) provide that the State may decline to offer
2 a participant an appointment or may remove a par-
3 ticipant from the Police Corps program at any time,
4 only for good cause (including failure to make satis-
5 factory progress in a course of educational study)
6 and after following reasonable review procedures
7 stated in the plan;

8 (10) provide for the direct involvement of law
9 enforcement officials in determining the number of
10 participants and their assignments; and

11 (11) provide that a participant shall, while serv-
12 ing as a member of a police force, be compensated
13 at the same rate of pay and benefits and enjoy the
14 same rights under applicable agreements with labor
15 organizations and under State and local law as other
16 police officers of the same rank and tenure in the
17 police force of which the participant is a member.

18 **SEC. 129. REPORTS TO CONGRESS.**

19 (a) ANNUAL REPORTS.—(1) Not later than April 1
20 of each year, the Director shall submit a report to the
21 Attorney General, the President, the Speaker of the House
22 of Representatives, and the President pro tempore of the
23 Senate.

24 (2) The report described in paragraph (1) shall—

1 (A) state the number of current and past par-
 2 ticipants in the Police Corps program, categorized
 3 according to the levels of educational study in which
 4 they are engaged and years of service they have
 5 served on police forces (including service following
 6 completion of the 4-year service obligation); and

7 (B) describe the geographic dispersion of par-
 8 ticipants in the Police Corps program.

9 **SEC. 130. AUTHORIZATION OF APPROPRIATIONS.**

10 There are authorized to be appropriated to the De-
 11 partment of Justice to carry out this chapter—

12 (1) \$50,000,000 for fiscal year 1994;

13 (2) \$100,000,000 for fiscal year 1995; and

14 (3) \$100,000,000 for fiscal year 1996.

15 **CHAPTER 4—COMMUNITY POLICING**
 16 **GRANTS**

17 **SEC. 141. COMMUNITY POLICING GRANTS.**

18 (a) IN GENERAL.—Title I of the Omnibus Crime
 19 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
 20 et seq.), as amended by section 112(a), is amended—

21 (1) by redesignating part R as part S;

22 (2) by redesignating section 1801 as section
 23 1901; and

24 (3) by inserting after part Q the following new
 25 part:

1 **“PART R—COMMUNITY POLICING GRANTS**

2 **“SEC. 1801. GRANT AUTHORIZATION.**

3 “(a) GRANT PROJECTS.—The Director of the Bureau
4 of Justice Assistance may make grants to units of local
5 government and to community groups to establish or ex-
6 pand cooperative efforts between police and a community
7 for the purposes of increasing police presence in the
8 community, including—

9 “(1) developing innovative neighborhood-ori-
10 ented policing programs;

11 “(2) providing new technologies to reduce the
12 amount of time officers spend processing cases in-
13 stead of patrolling the community;

14 “(3) purchasing equipment to improve commu-
15 nications between officers and the community and to
16 improve the collection, analysis, and use of informa-
17 tion about crime-related community problems;

18 “(4) developing policies that reorient police em-
19 phasis from reacting to crime to preventing crime;

20 “(5) creating decentralized police substations
21 throughout the community to encourage interaction
22 and cooperation between the public and law enforce-
23 ment personnel on a local level;

24 “(6) providing training and problem solving for
25 community crime problems;

1 “(7) providing training in cultural differences
2 for law enforcement officials;

3 “(8) developing community-based crime preven-
4 tion programs, such as safety programs for senior
5 citizens, community anticrime groups, and other
6 anticrime awareness programs;

7 “(9) developing crime prevention programs in
8 communities that have experienced a recent increase
9 in gang-related violence; and

10 “(10) developing projects following the model
11 under subsection (b).

12 “(b) MODEL PROJECT.—The Director shall develop
13 a written model that informs community members regard-
14 ing—

15 “(1) how to identify the existence of a drug or
16 gang house;

17 “(2) what civil remedies, such as public nui-
18 sance violations and civil suits in small claims court,
19 are available; and

20 “(3) what mediation techniques are available
21 between community members and individuals who
22 have established a drug or gang house in the com-
23 munity.

1 **“SEC. 1802. APPLICATION.**

2 “(a) IN GENERAL.—(1) To be eligible to receive a
3 grant under this part, a chief executive of a unit of local
4 government, a duly authorized representative of a com-
5 bination of local governments within a geographic region,
6 or a community group shall submit an application to the
7 Director in such form and containing such information as
8 the Director may reasonably require.

9 “(2) In an application under paragraph (1), a single
10 office, or agency (public, private, or nonprofit) shall be
11 designated as responsible for the coordination, implemen-
12 tation, administration, accounting, and evaluation of serv-
13 ices described in the application.

14 “(b) GENERAL CONTENTS.—Each application under
15 subsection (a) shall include—

16 “(1) a request for funds available under this
17 part for the purposes described in section 1801;

18 “(2) a description of the areas and populations
19 to be served by the grant; and

20 “(3) assurances that Federal funds received
21 under this part shall be used to supplement, not
22 supplant, non-Federal funds that would otherwise be
23 available for activities funded under this part.

24 “(c) COMPREHENSIVE PLAN.—Each application shall
25 include a comprehensive plan that contains—

1 “(1) a description of the crime problems within
2 the areas targeted for assistance;

3 “(2) a description of the projects to be devel-
4 oped;

5 “(3) a description of the resources available in
6 the community to implement the plan together with
7 a description of the gaps in the plan that cannot be
8 filled with existing resources;

9 “(4) an explanation of how the requested grant
10 shall be used to fill those gaps;

11 “(5) a description of the system the applicant
12 shall establish to prevent and reduce crime problems;
13 and

14 “(6) an evaluation component, including per-
15 formance standards and quantifiable goals the appli-
16 cant shall use to determine project progress, and the
17 data the applicant shall collect to measure progress
18 toward meeting project goals.

19 **“SEC. 1803. ALLOCATION OF FUNDS; LIMITATIONS ON**
20 **GRANTS.**

21 “(a) ALLOCATION.—The Director shall allocate not
22 less than 75 percent of the funds available under this part
23 to units of local government or combinations of such units
24 and not more than 20 percent of the funds available under

1 this part to community groups. Each State shall receive
2 at least .50 percent of the funds available under this part.

3 “(b) ADMINISTRATIVE COST LIMITATION.—The Di-
4 rector shall use not more than 5 percent of the funds avail-
5 able under this part for the purposes of administration,
6 technical assistance, and evaluation.

7 “(c) RENEWAL OF GRANTS.—A grant under this part
8 may be renewed for up to 2 additional years after the first
9 fiscal year during which the recipient receives its initial
10 grant, subject to the availability of funds, if the Director
11 determines that the funds made available to the recipient
12 during the previous year were used in a manner required
13 under the approved application and if the recipient can
14 demonstrate significant progress toward achieving the
15 goals of the plan required under section 1802(c).

16 “(d) FEDERAL SHARE.—The Federal share of a
17 grant made under this part may not exceed 75 percent
18 of the total costs of the projects described in the applica-
19 tion submitted under section 1802 for the fiscal year for
20 which the projects receive assistance under this part.

21 **“SEC. 1804. AWARD OF GRANTS.**

22 “The Director shall consider the following factors in
23 awarding grants to units of local government or combina-
24 tions of such units under this part:

1 “(1) NEED AND ABILITY.—Demonstrated need
2 and evidence of the ability to provide the services de-
3 scribed in the plan required under section 1802(c).

4 “(2) COMMUNITY-WIDE RESPONSE.—Evidence
5 of the ability to coordinate community-wide response
6 to crime.

7 “(3) MAINTAIN PROGRAM.—The ability to
8 maintain a program to control and prevent crime
9 after funding under this part is no longer available.

10 **“SEC. 1805. REPORTS.**

11 “(a) REPORT TO DIRECTOR.—Recipients who receive
12 funds under this part shall submit to the Director not
13 later than March 1 of each year a report that describes
14 progress achieved in carrying out the plan required under
15 section 1802(c).

16 “(b) REPORT TO CONGRESS.—The Director shall
17 submit to the Congress a report by October 1 of each year
18 containing—

19 “(1) a detailed statement regarding grant
20 awards and activities of grant recipients; and

21 “(2) an evaluation of projects established under
22 this part.

23 **“SEC. 1806. DEFINITIONS.**

24 “‘In this part—

1 “‘community group’ means a community-based
2 nonprofit organization that has a primary purpose of
3 crime prevention.

4 “‘Director’ means the Director of the Bureau
5 of Justice Assistance.”.

6 (b) TECHNICAL AMENDMENT.—The table of contents
7 of title I of the Omnibus Crime Control and Safe Streets
8 Act of 1968 (42 U.S.C. 3711 et seq.), as amended by sec-
9 tion 112(b), is amended by striking the matter relating
10 to part R and inserting the following:

“PART R—COMMUNITY POLICING GRANTS

“Sec. 1801. Grant authorization.

“Sec. 1802. Application.

“Sec. 1803. Allocation of funds; limitations on grants.

“Sec. 1804. Award of grants.

“Sec. 1805. Reports.

“Sec. 1806. Definitions.

“PART S—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 1901. Continuation of rules, authorities, and proceedings.”.

11 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
12 1001(a) of title I of the Omnibus Crime Control and Safe
13 Streets Act of 1968 (42 U.S.C. 3793(a)), as amended by
14 section 112(c), is amended—

15 (1) in paragraph (3) by striking “and Q” and
16 inserting “Q and R”; and

17 (2) by adding at the end the following new
18 paragraph:

1 “(12) There are authorized to be appropriated to
2 carry out projects under part R \$60,000,000 for each of
3 fiscal years 1994, 1995, 1996, 1997, and 1998.”.

4 **CHAPTER 5—IMPROVED TRAINING AND**
5 **TECHNICAL AUTOMATION**

6 **SEC. 151. GRANTS.**

7 (a) IN GENERAL.—The Attorney General shall make
8 grants to units of State and local law enforcement for the
9 purposes of improving law enforcement agency efficiency
10 through computerized automation and technological im-
11 provements.

12 (b) TYPES OF PROGRAMS.—Grants under this section
13 may include programs to—

- 14 (1) increase use of mobile digital terminals;
- 15 (2) improve communications systems;
- 16 (3) accomplish paper-flow reduction;
- 17 (4) establish or improve ballistics identification
18 programs; and
- 19 (5) increase the application of automated fin-
20 gerprint identification systems and their communica-
21 tions on an interstate and intrastate basis.

22 **SEC. 152. TRAINING COURSES.**

23 (a) IN GENERAL.—The Attorney General shall ex-
24 pand and improve investigative and managerial training
25 courses for State and local law enforcement agencies.

1 (b) IMPROVEMENT OF FACILITIES.—The improve-
 2 ment described in subsection (a) shall include improve-
 3 ments of the training facilities of the Federal Bureau of
 4 Investigation Academy at Quantico, Virginia.

5 **SEC. 153. AUTHORIZATION OF APPROPRIATIONS.**

6 There is authorized to be appropriated to carry out
 7 this chapter \$100,000,000 for fiscal year 1994.

8 **Subtitle B—Prisons**

9 **CHAPTER 1—REGIONAL PRISONS FOR**
 10 **VIOLENT CRIMINALS AND VIOLENT**
 11 **CRIMINAL ALIENS**

12 **SEC. 161. DEFINITIONS.**

13 In this chapter—

14 “child abuse offense” means an offense under
 15 Federal or State law that constitutes sexual exploi-
 16 tation of children or selling or buying of children
 17 within the meaning of chapter 110 of title 18,
 18 United States Code.

19 “firearm offense” means an offense under Fed-
 20 eral or State law committed while the offender is in
 21 possession of a firearm or while an accomplice of the
 22 offender, to the knowledge of the offender, is in pos-
 23 session of a firearm.

24 “crime of violence” means a felony offense
 25 under Federal or State law that is a crime of vio-

1 lence within the meaning of section 16 of title 18,
2 United States Code.

3 “qualifying prisoner” means—

4 (A) an alien who is in this country illegally
5 or unlawfully and who has been convicted of a
6 crime of violence (as defined in section
7 924(c)(3) of title 18, United States Code) or a
8 serious drug offense (as defined in section
9 924(e)(2)(A) of title 18, United States Code);
10 and

11 (B) a violent criminal.

12 “sex offense” means an offense under Federal
13 or State law that constitutes aggravated sexual
14 abuse, sexual abuse, sexual abuse of a minor or
15 ward, or abusive sexual contact within the meaning
16 of chapter 109A of title 18, United States Code.

17 “violent criminal”—

18 (A) means a person convicted under Fed-
19 eral law of an offense described in, under the
20 circumstances described in, the provisions of
21 section 924 (c) or (e) of title 18 or section
22 994(h) of title 28, United States Code, or under
23 State law for the same or a similar offense; and

24 (B) insofar as any of the circumstances de-
25 scribed in an offense described in subparagraph

1 (A) is the prior conviction of an offense, in-
2 cludes a person who had been adjudicated as a
3 juvenile delinquent by reason of the commission
4 of an act that, if committed by an adult, would
5 constitute such an offense.

6 **SEC. 162. CONSTRUCTION OF PRISONS.**

7 The Attorney General shall construct a minimum of
8 10 regional prisons, situated throughout the United
9 States, each containing space for at least 2,500 inmates.
10 At least 50 percent of the overall capacity of such prisons
11 in the aggregate shall be dedicated to qualifying prisoners
12 from qualifying States.

13 **SEC. 163. ACCEPTANCE OF PRISONERS.**

14 Any qualifying State may apply to the Attorney Gen-
15 eral to accept any qualifying prisoner. If, in the Attorney
16 General's judgment there are likely to be more qualifying
17 prisoners than there is space available, then to the extent
18 that the Attorney General deems it practicable, the Attor-
19 ney General should seek to allocate space among qualify-
20 ing States in a proportion similar to the number of quali-
21 fying prisoners held by that State in relation to the total
22 number of qualifying prisoners from qualifying States.

1 **SEC. 164. QUALIFYING STATE.**

2 (a) IN GENERAL.—The Attorney General shall not
3 certify a State as a qualifying State under this chapter
4 unless the State is providing—

5 (1) truth in sentencing with respect to any
6 crime of violence that is consistent with that pro-
7 vided in the Federal system in chapter 229 of title
8 18, United States Code, which provides that defend-
9 ants will serve at least 85 percent of the sentence or-
10 dered and which provides for a binding sentencing
11 guideline system in which sentencing judges' discre-
12 tion is limited to ensure greater uniformity in sen-
13 tencing;

14 (2) pretrial detention similar to that provided in
15 the Federal system under section 3142 of title 18,
16 United States Code;

17 (3) sentences for firearm offenders, violent
18 criminals, sex offenders, and child abuse offenders
19 that, after application of relevant sentencing guide-
20 lines, result in the imposition of sentences that are
21 at least as long as those imposed under Federal law
22 (after application of relevant sentencing guidelines);
23 and

24 (4) suitable recognition for the rights of vic-
25 tims, including consideration of the victim's perspec-

1 tive at all appropriate stages of criminal proceed-
2 ings.

3 (b) DISQUALIFICATION.—The Attorney General shall
4 withdraw a State's status as a qualifying State if the At-
5 torney General finds that the State no longer appro-
6 priately provides for the matters described in subsection
7 (a) or has ceased making substantial progress toward at-
8 taining them, in which event the State shall no longer be
9 entitled to the benefits of this chapter, except to the extent
10 the Attorney General otherwise directs.

11 (c) WAIVER.—The Attorney General may waive any
12 of the requirements of this section with respect to a par-
13 ticular State if the Attorney General certifies that, in the
14 Attorney General's judgment, there are compelling law en-
15 forcement reasons for doing so. Any State granted any
16 such waiver shall be treated as a qualifying State for all
17 purposes of this chapter, unless the Attorney General oth-
18 erwise directs.

19 **SEC. 165. AUTHORIZATION OF APPROPRIATIONS.**

20 There are authorized to be appropriated to carry out
21 this chapter—

- 22 (1) \$200,000,000 for fiscal year 1994;
- 23 (2) \$400,000,000 for fiscal year 1995;
- 24 (3) \$400,000,000 for fiscal year 1996;
- 25 (4) \$500,000,000 for fiscal year 1997; and

1 (5) \$500,000,000 for fiscal year 1998.

2 **CHAPTER 2—FEDERAL GRANTS FOR**
3 **STATE PRISON CONSTRUCTION AND**
4 **OPERATION**

5 **SEC. 171. DEFINITION.**

6 In this chapter, “new prison” means—

7 (1) a prison or city or county detention facility,
8 including an addition to an existing prison or city or
9 county detention facility, certified by the State, and
10 approved by the Attorney General, as providing ad-
11 ditional prison capacity beyond that which the State
12 previously had available or had already planned to
13 construct; and

14 (2) a prison that is principally dedicated, as de-
15 termined by the Attorney General, to housing repeat
16 violent offenders and sex offenders.

17 **SEC. 172. GRANTS.**

18 The Attorney General may enter into agreements
19 with any qualifying State to provide construction grants
20 or operating grants for new prisons.

21 **SEC. 173. CONSTRUCTION GRANTS.**

22 The Attorney General may make construction grants
23 for up to 50 percent of the construction costs, as approved
24 by the Director of the Federal Bureau of Prisons, for new
25 prisons.

1 **SEC. 174. OPERATING GRANTS.**

2 The Attorney General may make operating grants for
3 up to 50 percent of the operating costs, as approved by
4 the Director of the Federal Bureau of Prisons, for new
5 prisons.

6 **SEC. 175. CANCELING GRANTS.**

7 The Attorney General may, in the Attorney General
8 sole discretion, cancel any construction grant or operating
9 grant if the Attorney General finds that a State is using
10 those funds to substitute for existing funds or to provide
11 prison space that substitutes for existing prison space.

12 **SEC. 176. DISTRIBUTION OF GRANTS.**

13 The Attorney General shall ensure that each State
14 receives no less than 50 percent of the funds made avail-
15 able under this chapter.

16 **SEC. 177. AUTHORIZATION OF APPROPRIATIONS.**

17 There is authorized to be appropriated to carry out
18 this chapter \$200,000,000 for each of fiscal years 1994,
19 1995, 1996, 1997, and 1998, of which 50 percent shall
20 be used for construction grants and 50 percent shall be
21 used for operating grants, except that the Attorney Gen-
22 eral may alter those allocations if the Attorney General
23 certifies that there are compelling law enforcement rea-
24 sons for doing so.

1 **CHAPTER 3—JUDICIAL REMEDIES FOR**
2 **PRISON CROWDING**

3 **SEC. 181. PURPOSE.**

4 The purpose of this chapter is to provide for reason-
5 able and proper enforcement of the eighth amendment.

6 **SEC. 182. FINDINGS.**

7 The Congress finds that—

8 (1) the Federal courts are unreasonably endan-
9 gering the community by issuing sweeping prison
10 and jail cap orders as a remedy for detention condi-
11 tions that they hold are in conflict with the eighth
12 amendment; and

13 (2) eighth amendment holdings frequently are
14 unjustified because of the absence of a plaintiff in-
15 mate who has proven that detention conditions in-
16 flict cruel and unusual punishment of that inmate.

17 **SEC. 183. APPROPRIATE REMEDIES.**

18 (a) AMENDMENT OF TITLE 18, UNITED STATES
19 CODE.—Subchapter C of chapter 229 of part 2 of title
20 18, United States Code, is amended by adding at the end
21 the following new section:

22 **“§ 3626. Appropriate remedies with respect to prison**
23 **crowding**

24 “(a) REQUIREMENT OF SHOWING WITH RESPECT TO
25 THE PLAINTIFF IN PARTICULAR.—

1 “(1) HOLDING.—A Federal court shall not hold
2 prison or jail crowding unconstitutional under the
3 eighth amendment except to the extent that an indi-
4 vidual plaintiff inmate proves that the crowding
5 causes the infliction of cruel and unusual punish-
6 ment of that inmate.

7 “(2) RELIEF.—The relief in a case described in
8 paragraph (1) shall extend no further than nec-
9 essary to remove the conditions that are causing the
10 cruel and unusual punishment of the plaintiff in-
11 mate.

12 “(b) INMATE POPULATION CEILINGS.—

13 “(1) REQUIREMENT OF SHOWING WITH RE-
14 SPECT TO PARTICULAR PRISONERS.—A Federal
15 court shall not place a ceiling on the inmate popu-
16 lation of any Federal, State, or local detention facil-
17 ity as an equitable remedial measure for conditions
18 that violate the eighth amendment unless crowding
19 is inflicting cruel and unusual punishment on par-
20 ticular identified prisoners.

21 “(2) RULE OF CONSTRUCTION.—Paragraph (1)
22 shall not be construed to have any effect on Federal
23 judicial power to issue equitable relief other than
24 that described in paragraph (1), including the re-
25 quirement of improved medical or health care and

1 the imposition of civil contempt fines or damages,
2 where such relief is appropriate.

3 “(c) PERIODIC REOPENING.—Each Federal court
4 order seeking to remedy an eighth amendment violation
5 shall be reopened at the behest of a defendant for rec-
6 ommended modification at a minimum of 2-year inter-
7 vals.”.

8 (b) APPLICATION OF AMENDMENT.—Section 3626 of
9 title 18, United States Code, as added by paragraph (1),
10 shall apply to all outstanding court orders on the date of
11 enactment of this Act. Any State or municipality shall be
12 entitled to seek modification of any outstanding eighth
13 amendment decree pursuant to that section.

14 (c) TECHNICAL AMENDMENT.—The subchapter anal-
15 ysis for subchapter C of chapter 229 of title 18, United
16 States Code, is amended by adding at the end the follow-
17 ing new item:

“3626. Appropriate remedies with respect to prison crowding.”.

18 (d) SUNSET PROVISION.—This chapter and the
19 amendments made by this chapter are repealed effective
20 as of the date that is 5 years after the date of enactment
21 of this Act.

1 **CHAPTER 4—SENTENCES TO ACCOUNT**
2 **FOR COSTS TO THE GOVERNMENT OF**
3 **IMPRISONMENT, RELEASE, AND PRO-**
4 **BATION**

5 **SECTION 191. IMPOSITION OF SENTENCE.**

6 Section 3572(a) of title 18, United States Code, is
7 amended—

8 (1) by redesignating paragraphs (6) and (7) as
9 paragraphs (7) and (8), respectively; and

10 (2) by inserting after paragraph (5) the follow-
11 ing new paragraph:

12 “(6) the expected costs to the government of
13 any imprisonment, supervised release, or probation
14 component of the sentence;”.

15 **SEC. 192. DUTIES OF THE SENTENCING COMMISSION.**

16 Section 994 of title 28, United States Code, is
17 amended by adding at the end the following new sub-
18 section:

19 “(y) The Commission, in promulgating guidelines
20 pursuant to subsection (a)(1), may include, as a compo-
21 nent of a fine, the expected costs to the Government of
22 any imprisonment, supervised release, or probation sen-
23 tence that is ordered.”.

1 **TITLE II—SAFE SCHOOLS**

2 **SEC. 201. DEFINITION.**

3 In this title, “former member of the Armed Forces”
4 means a member of the Armed Forces of the United
5 States who is involuntarily separated from the Armed
6 Forces within the meaning of section 1141 of title 10,
7 United States Code.

8 **SEC. 202. AMERICA’S SAFE SCHOOLS PROGRAM.**

9 (a) PROGRAM ESTABLISHMENT.—

10 (1) AMERICA’S SAFE SCHOOLS PROGRAM.—The
11 program established by this section shall be referred
12 to as “America’s Safe Schools Program”.

13 (2) AGREEMENTS.—The Secretary of Edu-
14 cation, in consultation with the Secretary of De-
15 fense, may enter into an agreement with a local edu-
16 cational agency to pay, and may pay, for a period
17 of 6 years, including any required periods of train-
18 ing, the salaries of former members of the Armed
19 Forces who are hired within 5 years after the date
20 of enactment of this Act as teachers assigned to
21 public elementary and secondary schools.

22 (b) AMOUNT.—

23 (1) MAXIMUM.—(A) The maximum Federal
24 share of an annual salary for the first 3 years that
25 a teacher may be paid under an agreement described

1 in subsection (a) is the annual salary earned by the
2 teacher during his or her last year as a member of
3 the Armed Forces.

4 (B) The maximum Federal share of an annual
5 salary for the 4th through 6th years that a teacher
6 may be paid under an agreement described in sub-
7 section (a) is 50 percent of the annual salary earned
8 by the teacher during his or her last year as a mem-
9 ber of the Armed Forces.

10 (2) ENTRY LEVEL.—To the extent that it is
11 practicable to do so, a local educational agency shall
12 hire a former member of the Armed Forces whose
13 salary is to be paid under an agreement described in
14 subsection (a) at a level of seniority, in consideration
15 of the former member's years of service and training
16 as a member of the Armed Forces, that will permit
17 the former member to be paid at least the maximum
18 amount of annual salary under paragraph (1).

19 (3) PRIORITY.—In making awards under this
20 section the Attorney General may give priority to
21 agencies located in communities that are adversely
22 affected by the recent closing of a military base or
23 facility.

1 (4) FORMULA.—The Attorney General shall en-
 2 sure that each State receives no less than .50 per-
 3 cent of the funds made available under this title.

4 (c) ENLARGEMENT OF TEACHING STAFF.—It shall
 5 be a condition to payment of salaries under an agreement
 6 described in subsection (a) that the number of teachers
 7 in the public elementary and secondary schools in the
 8 school district served by the local educational agency (not
 9 including teachers whose salaries are paid in whole or in
 10 part under this title) shall not be diminished during the
 11 term of the agreement.

12 (d) PRIORITY FOR SAFE SCHOOL DISTRICTS.—The
 13 Secretary of Education shall give priority to school dis-
 14 tricts that have qualified as a safe school district under
 15 section 104 in entering into agreements under this section.

16 (e) AUTHORIZATION OF APPROPRIATIONS.—There
 17 are authorized to be appropriated to carry out the pro-
 18 gram authorized by this section \$100,000,000 for each of
 19 fiscal years 1994, 1995, 1996, 1997, and 1998.

20 **SEC. 203. FEDERAL SAFE SCHOOL DISTRICTS.**

21 (a) ELECTION TO QUALIFY.—

22 (1) IN GENERAL.—By decision of a local edu-
 23 cational agency or by referendum of the voters in a
 24 school district served by a local educational agency,

1 a school district may elect to qualify as a Federal
2 safe school district under this section.

3 (2) DEFINITION.—In this section, “local edu-
4 cational agency” has the meaning stated in section
5 1471 of the Elementary and Secondary Education
6 Act of 1965 (20 U.S.C. 2891).

7 (b) FUNDING FOR ENHANCED SCHOOL SECURITY.—

8 (1) IN GENERAL.—The Attorney General may
9 make a grant to a local educational agency serving
10 a Federal safe school district or to a local law en-
11 forcement agency with jurisdiction over the school
12 district, as appropriate, to pay for enhanced school
13 security measures.

14 (2) ENHANCED SCHOOL SECURITY MEAS-
15 URES.—The measures that may be funded by a
16 grant under paragraph (1) include—

17 (A) equipping schools with metal detectors,
18 fences, closed circuit cameras, and other phys-
19 ical security measures;

20 (B) providing increased police patrols in
21 and around schools, including police hired pur-
22 suant to this title;

23 (C) mailings to parents at the beginning of
24 the school year stating that the possession of a

1 gun or other weapon in school will not be toler-
 2 ated by school authorities;

3 (D) signs on each school indicating that
 4 the school is part of a Federal Safe School Dis-
 5 trict; and

6 (E) gun hotlines.

7 (c) ENHANCED MANDATORY PENALTIES FOR DRUG
 8 TRAFFICKING AND WEAPONS OFFENSES.—

9 (1) APPLICATION OF FEDERAL LAW.—Notwith-
 10 standing any other provision of law, in a Federal
 11 safe school district—

12 (A) the offenses enacted by paragraph (2)
 13 shall apply;

14 (B) the United States attorney for the ju-
 15 dicial district in which the school district is lo-
 16 cated shall prosecute as an adult any juvenile
 17 16 years of age or older who uses or carries a
 18 firearm in or within 1,000 feet of a public or
 19 private elementary or secondary school.

20 (2) OFFENSES.—(A) Section 922 of title 18,
 21 United States Code, is amended by adding at the
 22 end the following new subsection:

23 “(s) It shall be unlawful for—

24 “(1) a person who is less than 18 years of age;

25 or

1 “(2) a person who is 18 years of age or older
2 who does not have lawful authority to do so,
3 to carry a firearm or otherwise cause a firearm to be
4 transported into a public or private elementary or second-
5 ary school, or to possess a firearm within such a school,
6 that is located within a school district that has elected to
7 qualify as a Federal safe school district under section 203
8 of the Neighborhood Security Act of 1993.”.

9 (B) Section 924 of title 18, United States Code,
10 is amended by adding at the end the following new
11 subsection:

12 “(i)(1) A person who knowingly violates section
13 922(s) shall be fined under this title, imprisoned not more
14 than 5 years, or both.

15 “(2) A person who knowingly violates section 922(s)
16 by using a firearm shall be imprisoned for not more than
17 10 years.”.

18 (C) The United States Sentencing Commission
19 shall review and amend its sentencing guidelines to
20 assign an offense level of at least 26 to a first of-
21 fense under section 924(i)(2) of title 18, United
22 States Code, as added by subparagraph (B).

23 (d) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to carry out the pro-

1 gram authorized by this section \$100,000,000 for each of
 2 fiscal years 1994, 1995, 1996, 1997, and 1998.

3 **TITLE III—CRIMINAL ALIENS**
 4 **AND ALIEN SMUGGLING**
 5 **Subtitle A—Deportation of**
 6 **Criminal Aliens**

7 **SEC. 301. DEPORTATION PROCEDURES FOR CERTAIN**
 8 **CRIMINAL ALIENS WHO ARE NOT PERMA-**
 9 **NENT RESIDENTS.**

10 (a) ELIMINATION OF ADMINISTRATIVE HEARING FOR
 11 CERTAIN CRIMINAL ALIENS.—Section 242A of the Immi-
 12 gration and Nationality Act (8 U.S.C. 1252a) is amended
 13 by adding at the end the following new subsection:

14 “(c) DEPORTATION OF ALIENS WHO ARE NOT PER-
 15 MANENT RESIDENTS.—

16 “(1) Notwithstanding section 242, and subject
 17 to paragraph (5), the Attorney General may issue a
 18 final order of deportation against any alien described
 19 in paragraph (2) whom the Attorney General deter-
 20 mines to be deportable under section
 21 241(a)(2)(A)(iii) (relating to conviction of an aggra-
 22 vated felony).

23 “(2) An alien is described in this paragraph if
 24 the alien—

1 “(A) was not lawfully admitted for perma-
2 nent residence at the time that proceedings
3 under this section commenced, or

4 “(B) had permanent resident status on a
5 conditional basis (as described in section 216)
6 at the time that proceedings under this section
7 commenced.

8 “(3) The Attorney General may delegate the
9 authority in this section to the Commissioner or to
10 any District Director of the Service.

11 “(4) No alien described in this section shall be
12 eligible for—

13 “(A) any relief from deportation that the
14 Attorney General may grant in his discretion,
15 or

16 “(B) relief under section 243(h).

17 “(5) The Attorney General may not execute any
18 order described in paragraph (1) until 14 calendar
19 days have passed from the date that such order was
20 issued, in order that the alien has an opportunity to
21 apply for judicial review under section 106.”.

22 (b) LIMITED JUDICIAL REVIEW.—Section 106 of the
23 Immigration and Nationality Act (8 U.S.C. 1105a) is
24 amended—

1 (1) in the first sentence of subsection (a), by in-
 2 serting “or pursuant to section 242A” after “under
 3 section 242(b)”;

4 (2) in subsection (a)(1) and subsection (a)(3),
 5 by inserting “(including an alien described in section
 6 242A)” after “aggravated felony”; and

7 (3) by adding at the end the following new sub-
 8 section:

9 “(d) Notwithstanding subsection (c), a petition for
 10 review or for habeas corpus on behalf of an alien described
 11 in section 242A(c) may only challenge whether the alien
 12 is in fact an alien described in such section, and no court
 13 shall have jurisdiction to review any other issue.”.

14 (c) TECHNICAL AMENDMENTS.—Section 242A of the
 15 Immigration and Nationality Act (8 U.S.C. 1252a) is
 16 amended—

17 (1) in subsection (a)—

18 (A) by striking “(a) IN GENERAL.—” and
 19 inserting the following:

20 “(b) DEPORTATION OF PERMANENT RESIDENT
 21 ALIENS.—

22 “(1) IN GENERAL.—”; and

23 (B) by inserting in the first sentence “per-
 24 manent resident” after “correctional facilities
 25 for”;

1 (2) in subsection (b)—

2 (A) by striking “(b) IMPLEMENTATION.—”

3 and inserting “(2) IMPLEMENTATION.—”; and

4 (B) by striking “respect to an” and insert-
5 ing “respect to a permanent resident”;

6 (3) by striking subsection (c);

7 (4) in subsection (d)—

8 (A) by striking “(d) EXPEDITED PRO-
9 CEEDINGS.—(1)” and inserting “(3) EXPE-
10 DITED PROCEEDINGS.—(A)”;

11 (B) by inserting “permanent resident”
12 after “in the case of any”; and

13 (C) by striking “(2)” and inserting “(B)”;

14 (5) in subsection (e)—

15 (A) by striking “(e) REVIEW.—(1)” and
16 inserting “(4) REVIEW.—(A)”;

17 (B) by striking the second sentence; and

18 (C) by striking “(2)” and inserting “(B)”;

19 (6) by inserting after the section heading the
20 following new subsection:

21 “(a) PRESUMPTION OF DEPORTABILITY.—An alien
22 convicted of an aggravated felony shall be conclusively pre-
23 sumed to be deportable from the United States.”; and

24 (7) by amending the heading to read as follows:

“EXPEDITED DEPORTATION OF ALIENS CONVICTED OF
COMMITTING AGGRAVATED FELONIES”.

1 (d) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to all aliens against whom deporta-
3 tion proceedings are initiated after the date of enactment
4 of this Act.

5 **SEC. 302. JUDICIAL DEPORTATION.**

6 (a) JUDICIAL DEPORTATION.—Section 242A of the
7 Immigration and Nationality Act (8 U.S.C. 1252a) is
8 amended by adding at the end the following new sub-
9 section:

10 “(d) JUDICIAL DEPORTATION.—

11 “(1) AUTHORITY.—Notwithstanding any other
12 provision of this Act, a United States district court
13 shall have jurisdiction to enter a judicial order of de-
14 portation at the time of sentencing against an alien
15 whose criminal conviction causes such alien to be de-
16 portable under section 241(a)(2)(A)(iii) (relating to
17 conviction of an aggravated felony), if such an order
18 has been requested prior to sentencing by the United
19 States Attorney with the concurrence of the Com-
20 missioner.

21 “(2) PROCEDURE.—

22 “(A) The United States Attorney shall pro-
23 vide notice of intent to request judicial deporta-

1 tion promptly after the entry in the record of
2 an adjudication of guilt or guilty plea. Such no-
3 tice shall be provided to the court, to the alien,
4 and to the alien's counsel of record.

5 “(B) Notwithstanding section 242B, the
6 United States Attorney, with the concurrence of
7 the Commissioner, shall file at least 20 days
8 prior to the date set for sentencing a charge
9 containing factual allegations regarding the
10 alienage of the defendant and satisfaction by
11 the defendant of the definition of aggravated
12 felony.

13 “(C) If the court determines that the de-
14 fendant has presented substantial evidence to
15 establish prima facie eligibility for relief from
16 deportation under section 212(c), the Commis-
17 sioner shall provide the court with a rec-
18 ommendation and report regarding the alien's
19 eligibility for relief under such section. The
20 court shall either grant or deny the relief
21 sought.

22 “(D)(i) The alien shall have a reasonable
23 opportunity to examine the evidence against
24 him or her, to present evidence on his or her

1 own behalf, and to cross-examine witnesses pre-
2 sented by the Government.

3 “(ii) The court, for the purposes of deter-
4 mining whether to enter an order described in
5 paragraph (1), shall only consider evidence that
6 would be admissible in proceedings conducted
7 pursuant to section 242(b).

8 “(iii) Nothing in this subsection shall limit
9 the information a court of the United States
10 may receive or consider for the purposes of im-
11 posing an appropriate sentence.

12 “(iv) The court may order the alien de-
13 ported if the Attorney General demonstrates by
14 clear and convincing evidence that the alien is
15 deportable under this Act.

16 “(3) NOTICE, APPEAL, AND EXECUTION OF JU-
17 DICIAL ORDER OF DEPORTATION.—

18 “(A)(i) A judicial order of deportation or
19 denial of such order may be appealed by either
20 party to the court of appeals for the circuit in
21 which the district court is located.

22 “(ii) Except as provided in clause (iii),
23 such appeal shall be considered consistent with
24 the requirements described in section 106.

1 “(iii) Upon execution by the defendant of
2 a valid waiver of the right to appeal the convic-
3 tion on which the order of deportation is based,
4 the expiration of the period described in section
5 106(a)(1), or the final dismissal of an appeal
6 from such conviction, the order of deportation
7 shall become final and shall be executed at the
8 end of the prison term in accordance with the
9 terms of the order.

10 “(B) As soon as is practicable after entry
11 of a judicial order of deportation, the Commis-
12 sioner shall provide the defendant with written
13 notice of the order or deportation, which shall
14 designate the defendant’s country of choice for
15 deportation and any alternate country pursuant
16 to section 243(a).

17 “(4) DENIAL OF JUDICIAL ORDER.—Denial of a
18 request for a judicial order of deportation shall not
19 preclude the Attorney General from initiating depor-
20 tation proceedings pursuant to section 242 upon the
21 same ground of deportability or upon any other
22 ground of deportability provided under section
23 241(a).”.

24 (b) TECHNICAL AMENDMENT.—The ninth sentence
25 of section 242(b) of the Immigration and Nationality Act

1 (8 U.S.C. 1252(b)) is amended by striking “The” and in-
2 serting “Except as provided in section 242A(d), the”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall apply to all aliens whose adjudication of
5 guilt or guilty plea is entered in the record after the date
6 of enactment of this Act.

7 **SEC. 303. RESTRICTING DEFENSES TO DEPORTATION FOR**
8 **CERTAIN CRIMINAL ALIENS.**

9 (a) DEFENSES BASED ON SEVEN YEARS OF PERMA-
10 NENT RESIDENCE.—The last sentence of section 212(c)
11 of the Immigration and Nationality Act (8 U.S.C.
12 1182(c)) is amended by striking “has served for such fel-
13 ony or felonies” and all that follows through the period
14 and inserting “has been sentenced for such felony or felo-
15 nies to a term of imprisonment of at least 5 years, if the
16 time for appealing such conviction or sentence has expired
17 and the sentence has become final.”.

18 (b) DEFENSES BASED ON WITHHOLDING OF DEPOR-
19 TATION.—Section 243(h)(2) of the Immigration and Na-
20 tionality Act (8 U.S.C. 1253(h)(2)) is amended—

21 (1) by striking the final sentence and inserting
22 the following new subparagraph:

23 “(E) the alien has been convicted of an ag-
24 gravated felony.”; and

1 (2) by striking “or” at the end of subparagraph
2 (C) and inserting “or” at the end of subparagraph
3 (D).

4 **SEC. 304. ENHANCING PENALTIES FOR FAILING TO DE-**
5 **PART, OR REENTERING, AFTER FINAL ORDER**
6 **OF DEPORTATION.**

7 (a) FAILURE TO DEPART.—Section 242(e) of the Im-
8 migration and Nationality Act (8 U.S.C. 1252(e)) is
9 amended—

10 (1) by striking “paragraph (2), (3), or 4 of”
11 the first time it appears; and

12 (2) by striking “shall be imprisoned not more
13 than ten years” and inserting “shall be imprisoned
14 not more than four years, or shall be imprisoned not
15 more than ten years if the alien is a member of any
16 of the classes described in paragraph (1)(E), (2),
17 (3), or (4) of section 241(a).”.

18 (b) REENTRY.—Section 276(b) of the Immigration
19 and Nationality Act (8 U.S.C. 1326(b)) is amended—

20 (1) in paragraph (1)—

21 (A) by inserting after “commission of” the
22 following: “three or more misdemeanors or”;
23 and

24 (B) by striking “5” and inserting “10”;

1 (2) in paragraph (2), by striking “15” and in-
2 serting “20”; and

3 (3) by adding at the end the following sentence:
4 “For the purposes of this subsection, the term ‘deporta-
5 tion’ includes any agreement in which an alien stipulates
6 to deportation during a criminal trial under either Federal
7 or State law.”.

8 (c) COLLATERAL ATTACKS ON UNDERLYING DEPOR-
9 TATION ORDER.—Section 276 of the Immigration and Na-
10 tionality Act (8 U.S.C. 1326) is amended by adding after
11 subsection (b) the following new subsection:

12 “(c) In a criminal proceeding under this section, an
13 alien may not challenge the validity of the deportation
14 order described in subsection (a)(1) or subsection (b) un-
15 less the alien demonstrates that—

16 “(1) the alien exhausted any administrative
17 remedies that may have been available to seek relief
18 against the order;

19 “(2) the deportation proceedings at which the
20 order was issued improperly deprived the alien of the
21 opportunity for judicial review; and

22 “(3) the entry of the order was fundamentally
23 unfair.”.

1 **SEC. 305. MISCELLANEOUS AND TECHNICAL CHANGES.**

2 (a) FORM OF DEPORTATION HEARINGS.—The sec-
3 ond sentence of section 242(b) of the Immigration and
4 Nationality Act (8 U.S.C. 1252(b)) is amended by insert-
5 ing before the period the following: “; except that nothing
6 in this subsection shall preclude the Attorney General
7 from authorizing proceedings by electronic or telephonic
8 media (with or without the consent of the alien) or, where
9 waived or agreed to by the parties, in the absence of the
10 alien.”.

11 (b) CONSTRUCTION OF EXPEDITED DEPORTATION
12 REQUIREMENTS.— No amendment made by this Act and
13 nothing in section 242(i) of the Immigration and Nation-
14 ality Act (8 U.S.C. 1252(i)) shall be construed to create
15 any substantive or procedural right or benefit that is le-
16 gally enforceable by any party against the United States
17 or its agencies or officers or any other person.

18 **Subtitle B—Prevention and**
19 **Punishment of Alien Smuggling**

20 **SEC. 311. INCREASED PENALTIES FOR ALIEN SMUGGLING.**

21 Section 274(a) of the Immigration and Nationality
22 Act (8 U.S.C. 1324(a)) is amended—

23 (1) in paragraph (1)—

24 (A) by striking “or” at the end of subpara-
25 graph (C);

1 (B) by striking the comma at the end of
2 subparagraph (D) and all that follows through
3 the period and inserting “; or”; and

4 (C) by adding at the end the following:

5 “(E) engages in any conspiracy to commit any
6 of the preceding acts, or aids or abets the commis-
7 sion of any of the preceding acts,
8 shall be fined under title 18, United States Code, and shall
9 be imprisoned not more than 10 years, for each alien with
10 respect to whom any violation of this paragraph occurs.”;
11 and

12 (2) by adding at the end the following new
13 paragraphs:

14 “(3) Any person who commits an act described in
15 paragraph (1) who willfully subjects any alien to a sub-
16 stantial risk of death or serious bodily harm shall be sub-
17 ject to a term of imprisonment of not more than 10 years
18 in addition to any term of imprisonment imposed under
19 that paragraph.

20 “(4) Any person who in the perpetration of, or in the
21 attempt to perpetrate, any violation of paragraph (1),
22 causes the death of an alien shall be subject to the penalty
23 of death, or life imprisonment, subject to appropriate pro-
24 cedures under chapter 228 of title 18, United States Code.

25 “(5) Any person who hires for employment an alien—

1 “(A) knowing that the alien is an unauthorized
2 alien (as defined in section 274A(h)(3)); and

3 “(B) knowing that the alien has been brought
4 into the United States in violation of this subsection,
5 shall be fined under title 18, United States Code, and shall
6 be imprisoned for not more than 5 years.”.

7 **SEC. 312. SMUGGLING ALIENS FOR COMMISSION OF**
8 **CRIMES.**

9 Section 274(a)(2) of the Immigration and Nationality
10 Act (8 U.S.C. 1324(a)(2)) is amended—

11 (1) in subparagraph (B)—

12 (A) by striking “or” at the end of clause
13 (ii);

14 (B) by redesignating clause (iii) as clause
15 (iv); and

16 (C) by inserting after clause (ii) the follow-
17 ing:

18 “(iii) an offense committed with the
19 intent that the alien unlawfully brought
20 into the United States will commit an of-
21 fense against the United States punishable
22 for more than 1 year, including violations
23 of or attempted violations of or aiding and
24 abetting violations of or conspiring to vio-
25 late the Controlled Substances Act (21

1 U.S.C. 802) or laws against prostitution,
2 importation of aliens for immoral purposes,
3 trafficking in firearms, money laundering,
4 gang activities, kidnapping or ransom de-
5 mands, fraudulent documents, or extortion,
6 the smuggling of known or suspected ter-
7 rorists or persons involved in organized
8 crime,”; and

9 (2) at the end by striking “be fined” and all
10 that follows through the period and inserting the fol-
11 lowing: “be fined under title 18, United States Code,
12 and shall be imprisoned not more than 10 years.”.

13 **SEC. 313. ADDITION OF ALIEN SMUGGLING TO RICO.**

14 Section 1961(1) of title 18, United States Code, is
15 amended—

16 (1) by striking “or” after “law of the United
17 States,”;

18 (2) by inserting “or” at the end of subpara-
19 graph (E); and

20 (3) by adding at the end the following:

21 “(F) any act in violation of section 274 of the
22 Immigration and Nationality Act.”.

1 **SEC. 314. EXPANDED FORFEITURE FOR SMUGGLING OR**
2 **HARBORING ILLEGAL ALIENS.**

3 Subsection 274(b) of the Immigration and National-
4 ity Act (8 U.S.C. 1324(b)) is amended—

5 (1) by striking “(b)(1) Any conveyance” and all
6 that follows through “of any State.” and inserting
7 the following:

8 “(b) SEIZURE AND FORFEITURE.—(1) Any property,
9 real or personal, which facilitates or is intended to facili-
10 tate, or which has been used in or is intended to be used
11 in the commission of a violation of subsection (a) or of
12 sections 274A(a)(1) or 274A(a)(2), or which constitutes
13 or is derived from or traceable to the proceeds obtained
14 directly or indirectly from a commission of a violation of
15 subsection (a), shall be subject to seizure and forfeiture,
16 except that—

17 “(A) no property used by any person as a com-
18 mon carrier in the transaction of business as a com-
19 mon carrier shall be forfeited under this paragraph
20 unless it appears that the owner or other person in
21 charge of the property was a consenting party or
22 privy to the illegal act;

23 “(B) no property shall be forfeited under this
24 paragraph by reason of any act or omission estab-
25 lished by the owner thereof to have been committed
26 or omitted by any person other than the owner while

1 such property was unlawfully in the possession of a
2 person other than the owner in violation of the
3 criminal laws of the United States or of any State;
4 and

5 “(C) no property shall be forfeited under this
6 paragraph to the extent of an interest of any owner,
7 by reason of any act or omission established by that
8 owner to have been committed or omitted without
9 the knowledge or consent of the owner, unless the
10 action or omission was committed by an employee or
11 agent of the owner, and facilitated or was intended
12 to facilitate, or was used in or intended to be used
13 in, the commission of a violation of subsection (a) or
14 of section 274A(a)(1) or 274A(a)(2) which was com-
15 mitted by the owner or which intended to further the
16 business interests of the owner, or to confer any
17 other benefit upon the owner.”;

18 (2) in paragraph (2)—

19 (A) by striking “conveyance” both places it
20 appears and inserting “property”; and

21 (B) by striking “is being used in” and in-
22 serting “is being used in, is facilitating, has fa-
23 cilitated, or was intended to facilitate”;

1 (3) in paragraphs (4) and (5) by striking “a
 2 conveyance” and “conveyance” each place either of
 3 them appears and inserting “property”; and

4 (4) in paragraph (4)—

5 (A) by striking “or” at the end of subpara-
 6 graph (C);

7 (B) by striking the period at the end of
 8 subparagraph (D) and inserting “; or”; and

9 (C) by inserting at the end the following
 10 new subparagraph:

11 “(E) transfer custody and ownership of for-
 12 feited property to any Federal, State, or local agency
 13 pursuant to the Tariff Act of 1930 (19 U.S.C.
 14 1616a(c)).”.

15 **SEC. 315. EXPANSION OF DEFINITION OF AGGRAVATED**
 16 **FELONY.**

17 (a) EXPANSION OF DEFINITION.—Section
 18 101(a)(43) of the Immigration and Nationality Act (8
 19 U.S.C. 1101(a)(43)) is amended to read as follows:

20 “(43) The term ‘aggravated felony’ means—

21 “(A) murder;

22 “(B) illicit trafficking in a controlled sub-
 23 stance (as defined in section 102 of the Con-
 24 trolled Substances Act), including a drug traf-

1 ficking crime (as defined in section 924(c) of
2 title 18, United States Code);

3 “(C) illicit trafficking in firearms or de-
4 structive devices (as defined in section 921 of
5 title 18, United States Code) or in explosive
6 materials (as defined in section 841(c) of that
7 title);

8 “(D) an offense described in section 1956
9 of title 18, United States Code (relating to
10 laundering of monetary instruments) or section
11 1957 of that title (relating to engaging in mon-
12 etary transactions in property derived from spe-
13 cific unlawful activity) if the amount of the
14 funds exceeded \$100,000;

15 “(E) an offense described in—

16 “(i) section 842 (h) or (i) of title 18,
17 United States Code, or section 844 (d),
18 (e), (f), (g), (h), or (i) of that title (relat-
19 ing to explosive materials offenses);

20 “(ii) section 922(g) (1), (2), (3), (4),
21 or (5), (j), (n), (o), (p), or (r) or 924 (b)
22 or (h) of title 18, United States Code (re-
23 lating to firearms offenses); or

1 “(iii) section 5861 of the Internal
2 Revenue Code of 1986 (relating to fire-
3 arms offenses);

4 “(F) a crime of violence (as defined in sec-
5 tion 16 of title 18, United States Code, but not
6 including a purely political offense) for which
7 the term of imprisonment imposed (regardless
8 of any suspension of imprisonment) is at least
9 5 years;

10 “(G) a theft offense (including receipt of
11 stolen property) or burglary offense for which a
12 sentence of 5 years’ imprisonment or more may
13 be imposed;

14 “(H) an offense described in section 875,
15 876, 877, or 1202 of title 18, United States
16 Code (relating to the demand for or receipt of
17 ransom);

18 “(I) an offense described in section 2251,
19 2251A, or 2252 of title 18, United States Code
20 (relating to child pornography);

21 “(J) an offense described in—

22 “(i) section 1962 of title 18, United
23 States Code (relating to racketeer influ-
24 enced corrupt organizations); or

1 “(ii) section 1084 (if it is a second or
2 subsequent offense) or 1955 of that title
3 (relating to gambling offenses),
4 for which a sentence of 5 years’ imprisonment
5 or more may be imposed;

6 “(K) an offense relating to commercial
7 bribery, counterfeiting, forgery, or trafficking in
8 vehicles the identification numbers of which
9 have been altered for which a sentence of 5
10 years’ imprisonment or more may be imposed;

11 “(L) an offense that—

12 “(i) relates to the owning, controlling,
13 managing or supervising of a prostitution
14 business;

15 “(ii) is described in section 2421,
16 2422, or 2423 of title 18, United States
17 Code (relating to transportation for the
18 purpose of prostitution) for commercial ad-
19 vantage; or

20 “(iii) is described in section 1581,
21 1582, 1583, 1584, 1585, or 1588, of title
22 18, United States Code (relating to peon-
23 age, slavery, and involuntary servitude);

1 “(M) an offense relating to perjury or sub-
2 ornation of perjury for which a sentence of 5
3 years’ imprisonment or more may be imposed;

4 “(N) an offense described in—

5 “(i) section 793 (relating to gathering
6 or transmitting national defense informa-
7 tion), 798 (relating to disclosure of classi-
8 fied information), 2153 (relating to sabo-
9 tage) or 2381 or 2382 (relating to treason)
10 of title 18, United States Code; or

11 “(ii) section 601 of the National Secu-
12 rity Act of 1947 (50 U.S.C. 421) (relating
13 to protecting the identity of undercover in-
14 telligence agents);

15 “(O) an offense that—

16 “(i) involves fraud or deceit in which
17 the loss to the victim or victims exceeds
18 \$200,000; or

19 “(ii) is described in section 7201 of
20 the Internal Revenue Code of 1986 (relat-
21 ing to tax evasion) in which the revenue
22 loss to the Government exceeds \$200,000;

23 “(P) an offense described in section
24 274(a)(1) of title 18, United States Code (relat-

1 ing to alien smuggling) for the purpose of com-
2 mercial advantage;

3 “(Q) an offense described in section
4 1546(a) of title 18, United States Code (relat-
5 ing to document fraud), for the purpose of com-
6 mercial advantage;

7 “(R) an offense relating to a failure to ap-
8 pear before a court pursuant to a court order
9 to answer to or dispose of a charge of a felony
10 for which a sentence of 2 years’ imprisonment
11 or more may be imposed; and

12 “(S) an attempt or conspiracy to commit
13 an offense described in this paragraph.

14 The term applies to an offense described in this
15 paragraph whether in violation of Federal or State
16 law and applies to such an offense in violation of the
17 law of a foreign country for which the term of im-
18 prisonment was completed within the previous 15
19 years.”.

20 (b) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to convictions entered before, on,
22 or after the date of enactment of this Act.

1 **SEC. 316. AMENDMENT OF SENTENCING GUIDELINES.**

2 The United States Sentencing Commission shall re-
3 view and amend its sentencing guidelines to assign an of-
4 fense level of at least 19 to a first offense under—

5 (1) section 274(a)(1) of the Immigration and
6 Nationality Act, as amended by section 311(1);

7 (2) section 274(a) (3) and (5) of the Immigra-
8 tion and Nationality Act, as added by section
9 311(2); and

10 (3) section 274(a)(2) of the Immigration and
11 Nationality Act, as amended by section 312.

12 **SEC. 317. INCREASED PENALTY FOR VISA FRAUD.**

13 (a) FALSE STATEMENT.—Section 1542 of title 18,
14 United States Code, is amended by striking “fined not
15 more than \$2,000, imprisoned not more than five years,
16 or both” and inserting “fined under this title or impris-
17 oned not more than 10 years, or both”.

18 (b) FORGERY.—Section 1543 of title 18, United
19 States Code, is amended by striking “fined not more than
20 \$2,000, imprisoned not more than five years, or both” and
21 inserting “fined under this title or imprisoned not more
22 than 10 years, or both”.

23 (c) MISUSE OF PASSPORT.—Section 1544 of title 18,
24 United States Code, is amended by striking “fined not
25 more than \$2,000, imprisoned not more than five years,

1 or both” and inserting “fined under this title or impris-
 2 oned not more than 10 years, or both”.

3 (d) SAFE CONDUCT VIOLATION.—Section 1545 of
 4 title 18, United States Code, is amended by striking
 5 “fined not more than \$2,000, imprisoned not more than
 6 three years, or both” and inserting “fined under this title
 7 or imprisoned not more than 10 years, or both”.

8 (e) FRAUD AND MISUSE OF VISAS.—Section 1546(a)
 9 of title 18, United States Code, is amended by striking
 10 “fined not more than \$2,000, imprisoned not more than
 11 five years, or both” and inserting “fined under this title
 12 or imprisoned not more than 10 years, or both”.

13 **SEC. 318. TRAINING OF AIRLINE PERSONNEL IN DETEC-**
 14 **TION OF FRAUDULENT DOCUMENTS.**

15 (a) USE OF FUNDS.—Section 286(h)(2) of the Immi-
 16 gration and Nationality Act (8 U.S.C. 1356(h)(2)) is
 17 amended—

18 (1) in subparagraph (A)(iv), by inserting “, in-
 19 cluding training of, and technical assistance to, com-
 20 mercial airline personnel on such detection” after
 21 “United States”, and

22 (2) by adding at the end the following new sub-
 23 paragraph:

24 “(C) The Attorney General shall provide for expendi-
 25 tures for training and assistance described in subpara-

1 graph (A)(iv) in an amount for any fiscal year that is not
2 less than 5 percent of the total of the amounts that are
3 required to be refunded under subparagraph (A) for that
4 fiscal year.”.

5 (b) COMPLIANCE WITH DETECTION REGULA-
6 TIONS.—Section 212 of the Immigration and Nationality
7 Act (8 U.S.C. 1182) is amended by adding at the end the
8 following new subsection:

9 “(o) Whenever the Attorney General finds that a
10 commercial airline has failed to comply with regulations
11 of the Attorney General relating to requirements of air-
12 lines for the detection of fraudulent documents used by
13 passengers traveling to the United States (including the
14 training of personnel in such detection), the Attorney Gen-
15 eral may suspend the entry of some or all aliens trans-
16 ported to the United States by such airline.”.

17 (c) EFFECTIVE DATES.—

18 (1) The amendments made by subsection (a)
19 shall apply to expenses incurred during or after fis-
20 cal year 1994.

21 (2) The Attorney General shall first issue, in
22 proposed form, regulations referred to in section
23 212(o) of the Immigration and Nationality Act, as
24 added by subsection (b), by not later than the date

1 that is 90 days after the date of enactment of this
2 Act.

3 **Subtitle C—Border Patrol**

4 **SEC. 321. BORDER PATROL AGENTS.**

5 There is authorized to be appropriated \$60,000,000
6 for each of fiscal years 1994, 1995, 1996, 1997, and 1998
7 for the hiring of 1,000 additional Border Patrol agents.

8 **SEC. 322. IMMIGRATION AND NATURALIZATION SERVICE**
9 **CRIMINAL INVESTIGATORS.**

10 There is to be authorized \$77,000,000 for each of
11 fiscal years 1994, 1995, 1996, 1997, and 1998 for the
12 hiring of 1,000 additional Immigration and Naturalization
13 Service criminal inspectors.

14 **SEC. 323. CRIMINAL ALIEN TRACKING CENTER.**

15 (a) OPERATION.—The Commissioner of Immigration
16 and Naturalization, with the cooperation of the Director
17 of the Federal Bureau of Investigation and the heads of
18 other agencies, shall, under the authority of section
19 242(a)(3)(A) of the Immigration and Nationality Act (8
20 U.S.C. 1252(a)(3)(A)), operate a criminal alien tracking
21 center.

22 (b) PURPOSE.—The criminal alien tracking center
23 shall be used to assist Federal, State, and local law en-
24 forcement agencies in identifying and locating aliens who

1 may be subject to deportation by reason of their conviction
2 of aggravated felonies.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to carry out this section
5 \$5,000,000 for fiscal year 1994 and \$2,000,000 for each
6 of fiscal years 1995, 1996, 1997, and 1998.

7 **TITLE IV—GANGS, JUVENILES,** 8 **DRUGS, AND PROSECUTORS**

9 **SEC. 401. SHORT TITLE.**

10 This title may be cited as the “Anti-Gang and Youth
11 Protection Act of 1993”.

12 **Subtitle A—Criminal Youth Gangs**

13 **SEC. 411. CRIMINAL STREET GANGS OFFENSES.**

14 (a) OFFENSE.—Title 18, United States Code, is
15 amended by inserting after chapter 93 the following new
16 chapter:

17 **“CHAPTER 94—PROHIBITED PARTICIPATION IN** 18 **CRIMINAL STREET GANGS AND GANG CRIME**

“Sec.

“1930. Crimes in furtherance of gangs.

“1931. Prohibited activity.

“1932. Penalties.

“1933. Investigative authority.

19 **“§ 1930. Crimes in furtherance of gangs**

20 “(a) FINDINGS.—The Congress makes the following
21 findings:

22 “(1) Criminal street gangs have become in-
23 creasingly prevalent and entrenched in our society in

1 the last several decades. In many areas of the coun-
2 try, these gangs exert considerable control over other
3 members of their community, particularly through
4 the use of violence and drugs. Criminal street gangs
5 have also become more national in scope, extending
6 their influence beyond the urban areas in which they
7 originated.

8 “(2) The major activities of criminal street
9 gangs are crimes of violence and the distribution and
10 use of illegal drugs. It is through these activities
11 that criminal street gangs directly affect interstate
12 and foreign commerce, even when their particular
13 activities, viewed in isolation, appear to be purely
14 intrastate in character.

15 “(b) BASIS FOR CHAPTER.—On the basis of the find-
16 ings stated in subsection (a), the Congress determines that
17 the provisions of this chapter are necessary and proper
18 for the purpose of carrying into execution the powers of
19 Congress to regulate commerce and to establish criminal
20 law.

21 **“§ 1931. Prohibited activity**

22 “(a) DEFINITIONS.—In this chapter—

23 “‘criminal street gang’ means an organization
24 or group of 5 or more persons, whether formal or in-
25 formal, who act in concert, or agree to act in con-

1 cert, for a period in excess of 30 days, with a pur-
2 pose that any of those persons alone, or in any com-
3 bination, commit or will commit, 2 or more predicate
4 gang crimes, 1 of which must occur after the date
5 of enactment of this chapter and the last of which
6 occurred within 10 years (excluding any period of
7 imprisonment) after the commission of a prior predi-
8 cate gang crime.

9 “‘participate in a criminal street gang’ means
10 to act in concert with a criminal street gang with in-
11 tent to commit, or with the intent that any other
12 person associated with the criminal street gang will
13 commit, 1 or more predicate gang crimes.

14 “‘predicate gang crime’ means—

15 “(A) any act or threat, or attempted act or
16 threat, which is chargeable under Federal or
17 State law and punishable by imprisonment for
18 more than 1 year, involving murder, assault,
19 kidnapping, robbery, extortion, burglary, arson,
20 property damage or destruction, obstruction of
21 justice, tampering with or retaliating against a
22 witness, victim, or informant, or manufacturing,
23 importing, receiving, concealing, purchasing,
24 selling, possessing, or otherwise dealing in a
25 controlled substance or controlled substance

analogue (as those terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

“(B) any act punishable by imprisonment for more than 1 year under section 922 or 924 (a)(2), (b), (c), (g), or (h) (relating to receipt, possession, and transfer of firearms), section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1512 (relating to tampering with a witness, victim, or informant), or section 1513 (relating to retaliating against a witness, victim, or informant); or

“(C) any act punishable under subsection (b)(5).

“‘State’ means a State, the District of Columbia, and any commonwealth, territory, or possession of the United States.

“(b) UNLAWFUL ACTS.—It shall be unlawful—

“(1) to commit, or to attempt to commit, a predicate gang crime with intent to promote or further the activities of a criminal street gang or for the purpose of gaining entrance to or maintaining or increasing position in such a gang;

1 “(2) to participate, or attempt to participate, in
2 a criminal street gang, or conspire to do so;

3 “(3) to command, counsel, persuade, induce,
4 entice, or coerce any individual to participate in a
5 criminal street gang;

6 “(4) to employ, use, command, counsel, per-
7 suade, induce, entice, or coerce any individual to
8 commit, cause to commit, or facilitate the commis-
9 sion of, a predicate gang crime, with intent to pro-
10 mote the activities of a criminal street gang or for
11 the purpose of gaining entrance to or maintaining or
12 increasing position in such a gang; or

13 “(5) to use any communication facility, as de-
14 fined in section 403(b) of the Controlled Substances
15 act (21 U.S.C. 843(b)), in causing or facilitating the
16 commission, or attempted commission, of a predicate
17 gang crime with intent to promote or further the ac-
18 tivities of a criminal street gang or for the purpose
19 of gaining entrance to or maintaining or increasing
20 position in such a gang. Each separate use of a com-
21 munication facility shall be a separate offense under
22 this subsection.

23 **“§ 1932. Penalties**

24 “(a) PENALTIES OF UP TO 20 YEARS OR LIFE IM-
25 PRISONMENT.—A person who violates section 1931(b) (1)

1 or (2) shall be punished by imprisonment for not more
2 than 20 years, or by imprisonment for any term of years
3 or for life if the violation is based on a predicate gang
4 crime for which the maximum penalty includes life impris-
5 onment, and if a person commits such a violation after
6 1 or more prior convictions for such a predicate gang
7 crime, that is not part of the instant violation, such person
8 shall be sentenced to a term of imprisonment which shall
9 not be less than 10 years and which may be for any term
10 of years exceeding 10 years or for life.

11 “(b) PENALTIES BETWEEN 5 AND 10 YEARS.—A
12 person who violates section 1931(b) (3) or (4) shall be
13 sentenced to imprisonment for not less than 5 nor more
14 than 10 years, and if a person who was the subject of
15 the act was less than 18 years of age, to imprisonment
16 for 10 years. A term of imprisonment under this sub-
17 section shall run consecutively to any other term of impris-
18 onment, including that imposed for any other violation of
19 this chapter.

20 “(c) PENALTIES OF UP TO 5 YEARS.—A person who
21 violates section 1931(b)(5) shall be punished by imprison-
22 ment for not more than 5 years.

23 “(d) ADDITIONAL PENALTIES.—

24 “(1) IN GENERAL.—In addition to the other
25 penalties authorized by this section—

1 “(A) a person who violates section 1931(b)
2 (1) or (2), 1 of whose predicate gang crimes in-
3 volves murder or conspiracy to commit murder
4 which results in the taking of a life, and who
5 commits, counsels, commands, induces, pro-
6 cures, or causes that murder, shall be punished
7 by death or by imprisonment for life;

8 “(B) a person who violates section 1931(b)
9 (1) or (2), 1 of whose predicate gang crimes in-
10 volves attempted murder or conspiracy to com-
11 mit murder, shall be sentenced to a term of im-
12 prisonment which shall not be less than 20
13 years and which may be for any term of years
14 exceeding 20 years or for life; and

15 “(C) a person who violates section 1931(b)
16 (1) or (2), and who at the time of the offense
17 occupied a position of organizer or supervisor,
18 or other position of management in that street
19 gang, shall be sentenced to a term of imprison-
20 ment which shall not be less than 15 years and
21 which may be for any term of years exceeding
22 15 years or for life.

23 “(2) PRESUMPTION.—For purposes of para-
24 graph (1)(C), if it is shown that the defendant coun-
25 seled, commanded, induced, or procured 5 or more

1 individuals to participate in a street gang, there
2 shall be a rebuttable presumption that the defendant
3 occupied a position of organizer, supervisor, or other
4 position of management in the gang.

5 “(e) FORFEITURE.—

6 “(1) IN GENERAL.—A person who violates sec-
7 tion 1931(b) (1) or (2) shall, in addition to any
8 other penalty and irrespective of any provision of
9 State law, forfeit to the United States—

10 “(A) any property constituting, or derived
11 from, any proceeds the person obtained, directly
12 or indirectly, as a result of the violation; and

13 “(B) any property used, or intended to be
14 used, in any manner or part, to commit, or to
15 facilitate the commission of, the violation.

16 “(2) APPLICATION OF CONTROLLED SUB-
17 STANCES ACT.—Section 413 (b), (c), (e), (f), (g),
18 (h), (i), (j), (k), (l), (m), (n), (o), and (p) of the
19 Controlled Substances Act (21 U.S.C. 853 (b), (c),
20 and (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o),
21 and (p)) shall apply to a forfeiture under this sec-
22 tion.

23 **“§ 1933. Investigative authority**

24 “The Attorney General and the Secretary of the
25 Treasury may investigate offenses under this chapter in

1 accordance with an agreement that shall be entered into
 2 by the Attorney General and the Secretary of the Treas-
 3 ury.”.

4 (b) TECHNICAL AMENDMENT.—The part analysis for
 5 part I of title 18, United States Code, is amended by in-
 6 serting after the item for chapter 93 the following new
 7 item:

**“94. Prohibited participation in criminal street gangs
 and gang crimes 1930”.**

8 (c) SENTENCING GUIDELINES INCREASE FOR GANG
 9 CRIMES.—The United States Sentencing Commission
 10 shall at the earliest opportunity amend the sentencing
 11 guidelines to increase by at least 4 levels the base offense
 12 level for any felony committed for the purpose of gaining
 13 entrance into, or maintaining or increasing position in, a
 14 criminal street gang. For purposes of this subsection,
 15 “criminal street gang” means any organization, or group,
 16 of 5 or more individuals, whether formal or informal, who
 17 act in concert, or agree to act in concert, for a period in
 18 excess of 30 days, with the intent that any of those indi-
 19 viduals alone, or in any combination, commit or will com-
 20 mit, 2 or more acts punishable under State or Federal
 21 law by imprisonment for more than 1 year.

1 **SEC. 412. CRIMES INVOLVING THE USE OF MINORS AS RICO**
2 **PREDICATES.**

3 Section 1961(1) of title 18, United States Code, is
4 amended—

5 (1) by striking “or” before “(E)”; and

6 (2) by inserting before the semicolon at the end
7 of the paragraph the following: “, or (F) any offense
8 against the United States that is punishable by im-
9 prisonment for more than 1 year and that involved
10 the use of a person below the age of 18 years in the
11 commission of the offense”.

12 **SEC. 413. SERIOUS JUVENILE DRUG OFFENSES AS ARMED**
13 **CAREER CRIMINAL ACT PREDICATES.**

14 Section 924(e)(2)(A) of title 18, United States Code,
15 is amended—

16 (1) by striking “or” at the end of clause (i);

17 (2) by striking “and” at the end of clause (ii)
18 and inserting “or”; and

19 (3) by adding at the end the following:

20 “(iii) any act of juvenile delinquency
21 that if committed by an adult would be a
22 serious drug offense described in this para-
23 graph; and”.

1 **SEC. 414. ADULT PROSECUTION OF SERIOUS JUVENILE OF-**
2 **FENDERS.**

3 Section 5032 of title 18, United States Code, is
4 amended—

5 (1) in the first undesignated paragraph—

6 (A) by striking “an offense described in
7 section 401 of the Controlled Substances Act
8 (21 U.S.C. 841), or section 1002(a), 1003,
9 1005, 1009, or 1010(b)(1), (2), or (3) of the
10 Controlled Substances Import and Export Act
11 (21 U.S.C. 952(a), 953, 955, 959, 960(b)(1),
12 (2), (3)),” and inserting “an offense (or a con-
13 spiracy or attempt to commit an offense) de-
14 scribed in section 401, or 404 (insofar as the
15 violation involves more than 5 grams of a mix-
16 ture or substance which contains cocaine base),
17 of the Controlled Substances Act (21 U.S.C.
18 841, 844, or 846), section 1002(a), 1003, 1005,
19 1009, 1010(b)(1), (2), or (3), of the Controlled
20 Substances Import and Export Act (21 U.S.C.
21 952(a), 953, 955, 959, 960(b)(1), (2), or (3),
22 or 963),”; and

23 (B) by striking “922(p)” and inserting
24 “924(b), (g), or (h)”;

25 (2) in the fourth undesignated paragraph—

1 (A) by striking “an offense described in
2 section 401 of the Controlled Substances Act
3 (21 U.S.C. 841), or section 1002(a), 1005, or
4 1009 of the Controlled Substances Import and
5 Export Act (21 U.S.C. 952(a), 955, 959)” and
6 inserting “an offense (or a conspiracy or at-
7 tempt to commit an offense) described in sec-
8 tion 401, or 404 (insofar as the violation in-
9 volves more than 5 grams of a mixture or sub-
10 stance which contains cocaine base), of the Con-
11 trolled Substances Act (21 U.S.C. 841, 844, or
12 846), section 1002(a), 1005, 1009, 1010(b)(1),
13 (2), or (3), of the Controlled Substances Import
14 and Export Act (21 U.S.C. 952(a), 955, 959,
15 960(b)(1), (2), or (3), or 963), or section
16 924(b), (g), or (h) of this title,”; and

17 (B) by striking “subsection (b)(1)(A), (B),
18 or (C), (d), or (e) of section 401 of the Con-
19 trolled Substances Act, or section 1002(a),
20 1003, 1009, or 1010(b)(1), (2), or (3) of the
21 Controlled Substances Import and Export Act
22 (21 U.S.C. 952(a), 953, 959, 960(b)(1), (2),
23 (3))” and inserting “or an offense (or conspir-
24 acy or attempt to commit an offense) described
25 in section 401(b)(1)(A), (B), or (C), (d), or (e),

1 or 404 (insofar as the violation involves more
2 than 5 grams of a mixture or substance which
3 contains cocaine base), of the Controlled Sub-
4 stances Act (21 U.S.C. 841(b)(1)(A), (B), or
5 (C), (d), or (e), 844, or 846) or section
6 1002(a), 1003, 1009, 1010(b)(1), (2), or (3) of
7 the Controlled Substances Import and Export
8 Act (21 U.S.C. 952(a), 953, 959, 960(b)(1),
9 (2), or (3), or 963)’’; and
10 (3) in the fifth undesignated paragraph by add-
11 ing at the end the following: “In considering the na-
12 ture of the offense, as required by this paragraph,
13 the court shall consider the extent to which the juve-
14 nile played a leadership role in an organization, or
15 otherwise influenced other persons to take part in
16 criminal activities, involving the use or distribution
17 of controlled substances or firearms. Such a factor,
18 if found to exist, shall weigh heavily in favor of a
19 transfer to adult status, but the absence of this fac-
20 tor shall not preclude such a transfer.”.

21 **SEC. 415. INCREASED PENALTIES FOR EMPLOYING CHIL-**
22 **DREN TO DISTRIBUTE DRUGS NEAR SCHOOLS**
23 **AND PLAYGROUNDS.**

24 Section 419 of the Controlled Substances Act (21
25 U.S.C. 860) is amended—

1 (1) by redesignating subsections (c) and (d) as
2 subsections (d) and (e), respectively; and

3 (2) by inserting after subsection (b) the follow-
4 ing new subsection:

5 “(c) Notwithstanding any other law, any person at
6 least 18 years of age who knowingly and intentionally—

7 “(1) employs, hires, uses, persuades, induces,
8 entices, or coerces a person under 18 years of age
9 to violate this section; or

10 “(2) employs, hires, uses, persuades, induces,
11 entices, or coerces a person under 18 years of age
12 to assist in avoiding detection or apprehension for
13 any offense under this section by any Federal, State,
14 or local law enforcement official,

15 is punishable by a term of imprisonment, a fine, or both,
16 up to triple those authorized by section 401.”.

17 **SEC. 416. INCREASED PENALTIES FOR DRUG TRAFFICKING**
18 **NEAR PUBLIC HOUSING.**

19 Section 419 of the Controlled Substances Act (21
20 U.S.C. 860) is amended—

21 (1) in subsection (a) by striking “playground,
22 or within” and inserting “playground, or housing fa-
23 cility owned by a public housing authority, or with-
24 in”; and

1 (2) in subsection (b) by striking “playground,
2 or within” and inserting “playground, or housing fa-
3 cility owned by a public housing authority, or with-
4 in”.

5 **SEC. 417. INCREASED PENALTIES FOR TRAVEL ACT CRIMES**
6 **INVOLVING VIOLENCE AND CONSPIRACY TO**
7 **COMMIT CONTRACT KILLINGS.**

8 (a) TRAVEL ACT PENALTIES.—Section 1952(a) of
9 title 18, United States Code, is amended by striking “and
10 thereafter performs or attempts to perform any of the acts
11 specified in subparagraphs (1), (2), and (3), shall be fined
12 not more than \$10,000 or imprisoned for not more than
13 five years, or both.” and inserting “and thereafter per-
14 forms or attempts to perform—

15 “(A) an act described in paragraph (1) or (3)
16 shall be fined under this title, imprisoned not more
17 than 5 years, or both; or

18 “(B) an act described in paragraph (2) shall be
19 fined under this title, imprisoned for not more than
20 20 years, or both, and if death results shall be im-
21 prisoned for any term of years or for life.”.

22 (b) MURDER CONSPIRACY PENALTIES.—Section
23 1958(a) of title 18, United States Code, is amended by
24 inserting “or who conspires to do so” before “shall be
25 fined” the first place it appears.

1 **SEC. 418. AMENDMENTS CONCERNING RECORDS OF**
2 **CRIMES COMMITTED BY JUVENILES.**

3 (a) Section 5038 of title 18, United States Code, is
4 amended by striking subsections (d) and (f), redesignating
5 subsection (e) as subsection (d), and by adding at the end
6 new subsections (e) and (f) as follows:

7 “(e) Whenever a juvenile has been found guilty of
8 committing an act which if committed by an adult would
9 be an offense described in clause (3) of the first paragraph
10 of section 5032 of this title, the juvenile shall be
11 fingerprinted and photographed, and the fingerprints and
12 photograph shall be sent to the Federal Bureau of Inves-
13 tigation, Identification Division. The court shall also
14 transmit to the Federal Bureau of Investigation, Identi-
15 fication Division, the information concerning the adjudica-
16 tion, including name, date of adjudication, court, offenses,
17 and sentence, along with the notation that the matter was
18 a juvenile adjudication. The fingerprints, photograph, and
19 other records and information relating to a juvenile de-
20 scribed in this subsection, or to a juvenile who is pros-
21 ecuted as an adult, shall be made available in the manner
22 applicable to adult defendants.

23 “(f) In addition to any other authorization under this
24 section for the reporting, retention, disclosure, or avail-
25 ability of records or information, if the law of the State
26 in which a Federal juvenile delinquency proceeding takes

1 place permits or requires the reporting, retention, disclo-
 2 sure, or availability of records or information relating to
 3 a juvenile or to a juvenile delinquency proceeding or adju-
 4 dication in certain circumstances, then such reporting, re-
 5 tention, disclosure, or availability is permitted under this
 6 section whenever the same circumstances exist.”.

7 (b) Section 3607 of title 18, United States Code, is
 8 repealed, and the corresponding item in the chapter analy-
 9 sis for chapter 229 of title 18 is deleted.

10 (c) Section 401(b)(4) of the Controlled Substances
 11 Act (21 U.S.C. 841(b)(4)) is amended by striking “and
 12 section 3607 of title 18”.

13 **SEC. 419. ADDITION OF ANTI-GANG BYRNE GRANT FUNDING**

14 **OBJECTIVE.**

15 Section 501(b) of title I of the Omnibus Crime Con-
 16 trol and Safe Streets Act of 1968 (42 U.S.C. 3751) is
 17 amended—

18 (1) in paragraph (20) by striking “and” at the
 19 end;

20 (2) in paragraph (21) by striking the period
 21 and inserting “; and”; and

22 (3) by inserting after paragraph (21) the fol-
 23 lowing new paragraph:

1 “(22) law enforcement and prevention programs
2 relating to gangs, or to youth who are involved or
3 at risk of involvement in gangs.”.

4 **Subtitle B—Gang Prosecution**

5 **SEC. 431. ADDITIONAL PROSECUTORS.**

6 There is authorized to be appropriated \$20,000,000
7 for each of fiscal years 1994, 1995, 1996, 1997, and 1998
8 for the hiring of additional Assistant United States Attor-
9 neys to prosecute violent youth gangs.

10 **SEC. 432. GANG INVESTIGATION COORDINATION AND IN-**
11 **FORMATION COLLECTION.**

12 (a) COORDINATION.—The Attorney General (or the
13 Attorney General’s designee), in consultation with the Sec-
14 retary of the Treasury (or the Secretary’s designee), shall
15 develop a national strategy to coordinate gang-related in-
16 vestigations by Federal law enforcement agencies.

17 (b) DATA COLLECTION.—The Director of the Federal
18 Bureau of Investigation shall acquire and collect informa-
19 tion on incidents of gang violence for inclusion in an an-
20 nual uniform crime report.

21 (c) REPORT.—The Attorney General shall prepare a
22 report on national gang violence outlining the strategy de-
23 veloped under subsection (a) to be submitted to the Presi-
24 dent and Congress by January 1, 1995.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There
 2 are authorized to be appropriated to carry out this section
 3 \$1,000,000 for fiscal year 1994.

4 **SEC. 433. CONTINUATION OF FEDERAL-STATE FUNDING**
 5 **FORMULA.**

6 Section 504(a)(1) of title I of the Omnibus Crime and
 7 Safe Streets Act of 1968 (42 U.S.C. 3754(a)(1)) is
 8 amended by striking “1992” and inserting “1993”.

9 **SEC. 434. GRANTS FOR MULTIJURISDICTIONAL DRUG TASK**
 10 **FORCES.**

11 Section 504(f) of title I of the Omnibus Crime and
 12 Safe Streets Act of 1968 (42 U.S.C. 3754(f)) is amended
 13 by inserting “and gang” after “Except for grants awarded
 14 to State and local governments for the purpose of partici-
 15 pating in multijurisdictional drug”.

16 **TITLE V—DRUG CONTROL AND**
 17 **RURAL CRIME**

18 **Subtitle A—Drug Trafficking in**
 19 **Rural Areas**

20 **SEC. 501. AUTHORIZATIONS FOR RURAL LAW ENFORCE-**
 21 **MENT AGENCIES.**

22 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
 23 1001(a)(9) of title I of the Omnibus Crime Control and
 24 Safe Streets Act of 1968 is amended to read as follows:

1 “(9) There are authorized to be appropriated to carry
 2 out part O \$50,000,000 for each of fiscal years 1994,
 3 1995, 1996, 1997, and 1998.”.

4 (b) AMENDMENT TO BASE ALLOCATION.—Section
 5 1501(a)(2)(A) of title I of the Omnibus Crime Control and
 6 Safe Streets Act of 1968 is amended by striking
 7 “\$100,000” and inserting “\$250,000”.

8 **SEC. 502. RURAL CRIME AND DRUG ENFORCEMENT TASK**
 9 **FORCES.**

10 (a) ESTABLISHMENT.—Not later than 90 days after
 11 the date of enactment of this Act, the Attorney General,
 12 in consultation with the Governors, mayors, and chief ex-
 13 ecutive officers of State and local law enforcement agen-
 14 cies, shall establish a Rural Crime and Drug Enforcement
 15 Task Force in each of the Federal judicial districts which
 16 encompass significant rural lands.

17 (b) TASK FORCE MEMBERSHIP.—The task forces es-
 18 tablished under subsection (a) shall be chaired by the
 19 United States Attorney for the respective Federal judicial
 20 district. The task forces shall include representatives
 21 from—

- 22 (1) State and local law enforcement agencies;
- 23 (2) the Drug Enforcement Administration;
- 24 (3) the Federal Bureau of Investigation;
- 25 (4) the Immigration and Naturalization Service;

- 1 (5) the Customs Service;
- 2 (6) the United States Marshals Service; and
- 3 (7) law enforcement officers from the United
- 4 States Park Police, United States Forest Service
- 5 and Bureau of Land Management, and such other
- 6 Federal law enforcement agencies as the Attorney
- 7 General may direct.

8 **SEC. 503. CROSS-DESIGNATION OF FEDERAL OFFICERS.**

9 (a) IN GENERAL.—The Attorney General may cross-

10 designate up to 100 law enforcement officers from each

11 of the agencies specified under section 1502(b)(6) of the

12 Omnibus Crime Control and Safe Streets Act of 1968 with

13 jurisdiction to enforce the provisions of the Controlled

14 Substances Act on non-Federal lands and title 18 of the

15 United States Code to the extent necessary to effect the

16 purposes of this Act.

17 (b) ADEQUATE STAFFING.—The Attorney General

18 shall ensure that each of the task forces established in ac-

19 cordance with this title are adequately staffed with inves-

20 tigators and that additional investigators are provided

21 when requested by the task force.

22 **SEC. 504. RURAL DRUG ENFORCEMENT TRAINING.**

23 (a) SPECIALIZED TRAINING FOR RURAL OFFI-

24 CERS.—The Director of the Federal Law Enforcement

25 Training Center shall develop a specialized course of in-

1 struction devoted to training law enforcement officers
2 from rural agencies in the investigation of drug trafficking
3 and related crimes.

4 (b) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to carry out subsection
6 (a) \$1,000,000 for each of fiscal years 1994, 1995, 1996,
7 1997, and 1998.

8 **Subtitle B—Rural Drug Prevention** 9 **and Treatment**

10 **SEC. 511. RURAL SUBSTANCE ABUSE TREATMENT AND EDU-** 11 **CATION GRANTS.**

12 Part A of title V of the Public Health Service Act
13 (42 U.S.C. 290aa et seq.) is amended by adding at the
14 end the following new section:

15 **“SEC. 509H. RURAL SUBSTANCE ABUSE TREATMENT.**

16 “(a) IN GENERAL.—The Director of the Office for
17 Treatment Improvement (referred to in this section as the
18 ‘Director’) shall establish a program to provide grants to
19 hospitals, community health centers, migrant health cen-
20 ters, health entities of Indian tribes and tribal organiza-
21 tions (as defined in section 1913(b)(5)), and other appro-
22 priate entities that serve nonmetropolitan areas to assist
23 such entities in developing and implementing projects that
24 provide, or expand the availability of, substance abuse
25 treatment services.

1 “(b) REQUIREMENTS.—To receive a grant under this
2 section a hospital, community health center, or treatment
3 facility shall—

4 “(1) serve a nonmetropolitan area or have a
5 substance abuse treatment program that is designed
6 to serve a nonmetropolitan area;

7 “(2) operate, or have a plan to operate, an ap-
8 proved substance abuse treatment program;

9 “(3) agree to coordinate the project assisted
10 under this section with substance abuse treatment
11 activities within the State and local agencies respon-
12 sible for substance abuse treatment; and

13 “(4) prepare and submit an application in ac-
14 cordance with subsection (c).

15 “(c) APPLICATION.—

16 “(1) IN GENERAL.—To be eligible to receive a
17 grant under this section an entity shall submit an
18 application to the Director at such time, in such
19 manner, and containing such information as the Di-
20 rector shall require.

21 “(2) COORDINATED APPLICATIONS.—State
22 agencies that are responsible for substance abuse
23 treatment may submit coordinated grant applica-
24 tions on behalf of entities that are eligible for grants
25 pursuant to subsection (b).

1 “(d) PREVENTION PROGRAMS.—

2 “(1) IN GENERAL.—Each entity receiving a
3 grant under this section may use a portion of such
4 grant funds to further community-based substance
5 abuse prevention activities.

6 “(2) REGULATIONS.—The Director, in con-
7 sultation with the Director of the Office of Sub-
8 stance Abuse Prevention, shall promulgate regula-
9 tions regarding the activities described in paragraph
10 (1).

11 “(e) SPECIAL CONSIDERATION.—In awarding grants
12 under this section the Director shall give priority to—

13 “(1) projects sponsored by rural hospitals that
14 are qualified to receive rural health care transition
15 grants as provided for in section 4005(e) of the Om-
16 nibus Budget Reconciliation Act of 1987;

17 “(2) projects serving nonmetropolitan areas
18 that establish links and coordinate activities between
19 hospitals, community health centers, community
20 mental health centers, and substance abuse treat-
21 ment centers; and

22 “(3) projects that are designed to serve areas
23 that have no available existing treatment facilities.

24 “(f) DURATION.—Grants awarded under subsection
25 (a) shall be for a period not to exceed 3 years, except that

1 the Director may establish a procedure for renewal of
2 grants under subsection (a).

3 “(g) GEOGRAPHIC DISTRIBUTION.—To the extent
4 practicable, the Director shall provide grants to fund at
5 least one project in each State.

6 “(h) AUTHORIZATION OF APPROPRIATIONS.—For the
7 purpose of carrying out this section there is authorized
8 to be appropriated \$25,000,000 for each of fiscal years
9 1994 and 1995 and \$20,000,000 for each of fiscal years
10 1996, 1997, and 1998.”.

11 **Subtitle C—Rural Areas**

12 **Enhancement**

13 **SEC. 521. ASSET FORFEITURE.**

14 The assets seized as a result of investigations initi-
15 ated by a Rural Drug Enforcement Task Force shall be
16 used primarily to enhance the operations of the task force
17 and its participating State and local enforcement agencies.

18 **SEC. 522. PROSECUTION OF CLANDESTINE LABORATORY** 19 **OPERATORS.**

20 (a) CRIMINAL CHARGES.—State and Federal pros-
21 ecutors, when bringing charges against the operators of
22 clandestine methamphetamine and other dangerous drug
23 laboratories, shall, to the fullest extent possible, include,
24 in addition to drug-related counts, counts involving in-
25 fringements of the Resource Conservation and Recovery

1 Act or any other environmental protection Act, includ-
2 ing—

3 (1) illegal disposal of hazardous waste; and

4 (2) knowing endangerment of the environment.

5 (b) CIVIL ACTIONS.—Federal prosecutors may bring
6 suit against the operators of clandestine methamphet-
7 amine and other dangerous drug laboratories for environ-
8 mental and health related damages caused by the opera-
9 tors in their manufacture of illicit substances.

10 **Subtitle D—Chemical Control**

11 **SEC. 531. SHORT TITLE.**

12 This title may be cited as the “Chemical Control
13 Amendments Act of 1993”.

14 **SEC. 532. DEFINITION AMENDMENTS.**

15 (a) DEFINITIONS.—Section 102 of the Controlled
16 Substances Act (21 U.S.C. 802) is amended—

17 (1) in paragraph (33) by striking “any listed
18 precursor chemical or listed essential chemical” and
19 inserting “any list I chemical or any list II
20 chemical”;

21 (2) in paragraph (34)—

22 (A) by striking “listed precursor chemical”
23 and inserting “list I chemical”; and

24 (B) by striking “critical to the creation”
25 and inserting “important to the manufacturer”;

1 (3) in paragraph (34) (A), (F), and (H), by in-
2 serting “, its esters” before “and”;

3 (4) in paragraph (35)—

4 (A) by striking “listed essential chemical”
5 and inserting “list II chemical”;

6 (B) by inserting “(other than a list I
7 chemical)” before “specified”;

8 (C) by striking “as a solvent, reagent, or
9 catalyst”; and

10 (5) in paragraph (38) by inserting “or who acts
11 as a broker or trader for an international trans-
12 action involving a listed chemical, a tableting ma-
13 chine, or an encapsulating machine” before the
14 period;

15 (6) in paragraph (39)(A)—

16 (A) by striking “importation or exportation
17 of” and inserting “importation, or exportation
18 of, or an international transaction involving
19 shipment of,”;

20 (B) in clause (iii) by inserting “or any cat-
21 egory of transaction for a specific listed chemi-
22 cal or chemicals” after “transaction”;

23 (C) by amending clause (iv) to read as
24 follows:

1 “(iv) any transaction in a listed chemical
2 that is contained in a drug that may be mar-
3 keted or distributed lawfully in the United
4 States under the Federal Food, Drug, and Cos-
5 metic Act (21 U.S.C. 301 et seq.) unless—

6 “(I)(aa) the drug contains ephedrine
7 or its salts, optical isomers, or salts of op-
8 tical isomers as the only active medicinal
9 ingredient or contains ephedrine and thera-
10 peutically insignificant quantities of an-
11 other active medicinal ingredient; or

12 “(bb) the Attorney General has deter-
13 mined under section 204 that the drug or
14 group of drugs is being diverted to obtain
15 the listed chemical for use in the illicit pro-
16 duction of a controlled substance; and

17 “(II) the quantity of ephedrine or
18 other listed chemical contained in the drug
19 included in the transaction or multiple
20 transactions equals or exceeds the thresh-
21 old established for that chemical by the
22 Attorney General.”; and

23 (D) in clause (v) by striking the semicolon
24 and inserting “which the Attorney General has
25 by regulation designated as exempt from the

1 application of this title and title II based on a
2 finding that the mixture is formulated in such
3 a way that it cannot be easily used in the illicit
4 production of a controlled substance and that
5 the listed chemical or chemicals contained in
6 the mixture cannot be readily recovered;”;

7 (7) in paragraph (40) by striking “listed pre-
8 cursor chemical or a listed essential chemical” each
9 place it appears and inserting “list I chemical or a
10 list II chemical”; and

11 (8) by adding at the end the following new
12 paragraphs:

13 “(43) The term ‘international transaction’ means a
14 transaction involving the shipment of a listed chemical
15 across an international border (other than a United States
16 border) in which a broker or trader located in the United
17 States participates.

18 “(44) The terms ‘broker’ and ‘trader’ mean a person
19 that assists in arranging an international transaction in
20 a listed chemical by—

21 “(A) negotiating contracts;

22 “(B) serving as an agent or intermediary; or

23 “(C) bringing together a buyer and seller,
24 buyer, and transporter, or a seller and transporter.”.

25 (b) REMOVAL OF EXEMPTION OF CERTAIN DRUGS.—

1 (1) PROCEDURE.—Part B of the Controlled
2 Substances Act (21 U.S.C. 811 et seq.) is amended
3 by adding at the end the following new section:

4 “REMOVAL OF EXEMPTION OF CERTAIN DRUGS

5 “SEC. 204. (a) REMOVAL OF EXEMPTION.—The At-
6 torney General shall by regulation remove from exemption
7 under section 102(39)(A)(iv)(II) a drug or group of drugs
8 that the Attorney General finds is being diverted to obtain
9 a listed chemical for use in the illicit production of a con-
10 trolled substance.

11 “(b) FACTORS TO BE CONSIDERED.—In removing a
12 drug or group of drugs from exemption under subsection
13 (a), the Attorney General shall consider, with respect to
14 a drug or group of drugs that is proposed to be removed
15 from exemption—

16 “(1) the scope, duration, and significance of the
17 diversion;

18 “(2) whether the drug or group of drugs is for-
19 mulated in such a way that it cannot be easily used
20 in the illicit production of a controlled substance;
21 and

22 “(3) whether the listed chemical can be readily
23 recovered from the drug or group of drugs.

24 “(c) SPECIFICITY OF DESIGNATION.—The Attorney
25 General shall limit the designation of a drug or a group
26 of drugs removed from exemption under subsection (a) to

1 the most particularly identifiable type of drug or group
2 of drugs for which evidence of diversion exists unless there
3 is evidence, based on the pattern of diversion and other
4 relevant factors, that the diversion will not be limited to
5 that particular drug or group of drugs.

6 “(d) REINSTATEMENT OF EXEMPTION WITH RE-
7 SPECT TO PARTICULAR DRUG PRODUCTS.—

8 “(1) REINSTATEMENT.—On application by a
9 manufacturer of a particular drug product that has
10 been removed from exemption under subsection (a),
11 the Attorney General shall by regulation reinstate
12 the exemption with respect to that particular drug
13 product if the Attorney General determines that the
14 particular drug product is manufactured and distrib-
15 uted in a manner that prevents diversion.

16 “(2) FACTORS TO BE CONSIDERED.—In decid-
17 ing whether to reinstate the exemption with respect
18 to a particular drug product under paragraph (1),
19 the Attorney General shall consider—

20 “(A) the package sizes and manner of
21 packaging of the drug product;

22 “(B) the manner of distribution and adver-
23 tising of the drug product;

24 “(C) evidence of diversion of the drug
25 product;

1 “(D) any actions taken by the manufac-
2 turer to prevent diversion of the drug product;
3 and

4 “(E) such other factors as are relevant to
5 and consistent with the public health and safe-
6 ty, including the factors described in subsection
7 (b) as applied to the drug product.

8 “(3) STATUS PENDING APPLICATION FOR REIN-
9 STATEMENT.—A transaction involving a particular
10 drug product that is the subject of a bona fide pend-
11 ing application for reinstatement of exemption filed
12 with the Attorney General not later than 60 days
13 after a regulation removing the exemption is issued
14 pursuant to subsection (a) shall not be considered to
15 be a regulated transaction if the transaction occurs
16 during the pendency of the application and, if the
17 Attorney General denies the application, during the
18 period of 60 days following the date on which the
19 Attorney General denies the application, unless—

20 “(A) the Attorney General has evidence
21 that, applying the factors described in sub-
22 section (b) to the drug product, the drug prod-
23 uct is being diverted; and

24 “(B) the Attorney General so notifies the
25 applicant.

1 “(4) AMENDMENT AND MODIFICATION.—A reg-
2 ulation reinstating an exemption under paragraph
3 (1) may be modified or revoked with respect to a
4 particular drug product upon a finding that—

5 “(A) applying the factors described in sub-
6 section (b) to the drug product, the drug prod-
7 uct is being diverted; or

8 “(B) there is a significant change in the
9 data that led to the issuance of the regula-
10 tion.”.

11 (2) TECHNICAL AMENDMENT.—The table of
12 contents of the Comprehensive Drug Abuse Preven-
13 tion and Control Act of 1970 (84 Stat. 1236) is
14 amended by adding at the end of the section relating
15 to part B of title II the following new item:

 “Sec. 204. Removal of exemption of certain drugs.”.

16 (c) REGULATION OF LISTED CHEMICALS.—Section
17 310 of the Controlled Substances Act (21 U.S.C. 830) is
18 amended—

19 (1) in subsection (a)(1)—

20 (A) by striking “precursor chemical” and
21 inserting “list I chemical”; and

22 (B) in subparagraph (B) by striking “an
23 essential chemical” and inserting “a list II
24 chemical”; and

1 (2) in subsection (c)(2)(D) by striking “precur-
2 sor chemical” and inserting “chemical control”.

3 **SEC. 533. REGISTRATION REQUIREMENTS.**

4 (a) RULES AND REGULATIONS.—Section 301 of the
5 Controlled Substances Act (21 U.S.C. 821) is amended
6 by striking the period and inserting “and to the registra-
7 tion and control of regulated persons and of regulated
8 transactions.”.

9 (b) PERSONS REQUIRED TO REGISTER UNDER SEC-
10 TION 302.—Section 302 of the Controlled Substances Act
11 (21 U.S.C. 822) is amended—

12 (1) in subsection (a)(1) by inserting “or list I
13 chemical” after “controlled substance” each place it
14 appears;

15 (2) in subsection (b)—

16 (A) by inserting “or list I chemicals” after
17 “controlled substances”; and

18 (B) by inserting “or chemicals” after
19 “such substances”;

20 (3) in subsection (c) by inserting “or list I
21 chemical” after “controlled substance” each place it
22 appears; and

23 (4) in subsection (e) by inserting “or list I
24 chemicals” after “controlled substances”.

1 (c) REGISTRATION REQUIREMENTS UNDER SECTION
2 303.—Section 303 of the Controlled Substances Act (21
3 U.S.C. 823) is amended by adding at the end the following
4 new subsection:

5 “(h) The Attorney General shall register an applicant
6 to distribute a list I chemical unless the Attorney General
7 determines that registration of the applicant is inconsis-
8 ent with the public interest. Registration under this sub-
9 section shall not be required for the distribution of a drug
10 product that is exempted under section 102(39)(A)(iv). In
11 determining the public interest for the purposes of this
12 subsection, the Attorney General shall consider—

13 “(1) maintenance by the applicant of effective
14 controls against diversion of listed chemicals into
15 other than legitimate channels;

16 “(2) compliance by the applicant with applica-
17 ble Federal, State and local law;

18 “(3) any prior conviction record of the appli-
19 cant under Federal or State laws relating to con-
20 trolled substances or to chemicals controlled under
21 Federal or State law;

22 “(4) any past experience of the applicant in the
23 manufacture and distribution of chemicals; and

24 “(5) such other factors as are relevant to and
25 consistent with the public health and safety.”.

1 (d) DENIAL, REVOCATION, OR SUSPENSION OF REG-
2 ISTRATION.—Section 304 of the Controlled Substances
3 Act (21 U.S.C. 824) is amended—

4 (1) in subsection (a)—

5 (A) by inserting “or a list I chemical”
6 after “controlled substance” each place it ap-
7 pears; and

8 (B) by inserting “or list I chemicals” after
9 “controlled substances”;

10 (2) in subsection (b) by inserting “or list I
11 chemical” after “controlled substance”;

12 (3) in subsection (f) by inserting “or list I
13 chemicals” after “controlled substances” each place
14 it appears; and

15 (4) in subsection (g)—

16 (A) by inserting “or list I chemicals” after
17 “controlled substances” each place it appears;
18 and

19 (B) by inserting “or list I chemical” after
20 “controlled substance” each place it appears.

21 (e) PERSONS REQUIRED TO REGISTER UNDER SEC-
22 TION 1007.—Section 1007 of the Controlled Substances
23 Import and Export Act (21 U.S.C. 957) is amended—

24 (1) in subsection (a)—

1 (A) in paragraph (1) by inserting “or list
2 I chemical” after “controlled substance”; and

3 (B) in paragraph (2) by striking “in sched-
4 ule I, II, III, IV, or V,” and inserting “or list
5 I chemical,”; and

6 (2) in subsection (b)—

7 (A) in paragraph (1) by inserting “or list
8 I chemical” after “controlled substance” each
9 place it appears; and

10 (B) in paragraph (2) by inserting “or list
11 I chemicals” after “controlled substances”.

12 (f) REGISTRATION REQUIREMENTS UNDER SECTION
13 1008.—Section 1008 of the Controlled Substances Import
14 and Export Act (21 U.S.C. 958) is amended—

15 (1) in subsection (c)—

16 (A) by inserting “(1)” after “(c)”; and

17 (B) by adding at the end the following new
18 paragraph:

19 “(2)(A) The Attorney General shall register an appli-
20 cant to import or export a list I chemical unless the Attor-
21 ney General determines that registration of the applicant
22 is inconsistent with the public interest. Registration under
23 this subsection shall not be required for the import or ex-
24 port of a drug product that is exempted under section
25 102(39)(A)(iv).

1 “(B) In determining the public interest for the pur-
2 poses of subparagraph (A), the Attorney General shall
3 consider the factors specified in section 303(h).”;

4 (2) in subsection (d)—

5 (A) in paragraph (3) by inserting “or list
6 I chemical or chemicals,” after “substances,”;
7 and

8 (B) in paragraph (6) by inserting “or list
9 I chemicals” after “controlled substances” each
10 place it appears;

11 (3) in subsection (e) by striking “and 307” and
12 inserting “307, and 310”; and

13 (4) in subsections (f), (g), and (h) by inserting
14 “or list I chemicals” after “controlled substances”
15 each place it appears.

16 (g) PROHIBITED ACTS C.—Section 403(a) of the
17 Controlled Substances Act (21 U.S.C. 843(a)) is amend-
18 ed—

19 (1) by striking “or” at the end of paragraph
20 (7);

21 (2) by striking the period at the end of para-
22 graph (8) and inserting “; or”; and

23 (3) by adding at the end the following new
24 paragraph:

1 “(9) if the person is a regulated person, to dis-
2 tribute, import, or export a list I chemical without
3 the registration required by this Act.”.

4 **SEC. 534. REPORTING OF LISTED CHEMICAL MANUFACTUR-**
5 **ING.**

6 Section 310(b) of the Controlled Substances Act (21
7 U.S.C. 830(b)) is amended—

8 (1) by inserting “(1)” after “(b)”;

9 (2) by redesignating paragraphs (1), (2), (3),
10 and (4) as subparagraphs (A), (B), (C), and (D),
11 respectively;

12 (3) by striking “paragraph (1)” each place it
13 appears and inserting “subparagraph (A)”;

14 (4) by striking “paragraph (2)” and inserting
15 “subparagraph (B)”;

16 (5) by striking “paragraph (3)” and inserting
17 “subparagraph (C)”;

18 (6) by adding at the end the following new
19 paragraph:

20 “(2) A regulated person that manufactures a
21 listed chemical shall report annually to the Attorney
22 General, in such form and manner and containing
23 such specific data as the Attorney General shall pre-
24 scribe by regulation, information concerning listed
25 chemicals manufactured by the person. The require-

1 ment of the preceding sentence shall not apply to the
2 manufacture of a drug product that is exempted
3 under section 102(39)(A)(iv).”.

4 **SEC. 535. REPORTS BY BROKERS AND TRADERS; CRIMINAL**
5 **PENALTIES.**

6 (a) NOTIFICATION, SUSPENSION OF SHIPMENT, AND
7 PENALTIES WITH RESPECT TO IMPORTATION AND EX-
8 PORTATION OF LISTED CHEMICALS.—Section 1018 of the
9 Controlled Substances Import and Export Act (21 U.S.C.
10 971) is amended by adding at the end the following new
11 subsection:

12 “(d) A person located in the United States who is
13 a broker or trader for an international transaction in a
14 listed chemical that is a regulated transaction solely be-
15 cause of that person’s involvement as a broker or trader
16 shall, with respect to that transaction, be subject to all
17 of the notification, reporting, recordkeeping, and other re-
18 quirements placed upon exporters of listed chemicals by
19 this title and title II.”.

20 (b) PROHIBITED ACTS A.—Section 1010(d) of the
21 Controlled Substances Import and Export Act (21 U.S.C.
22 960(d)) is amended to read as follows:

23 “(d) A person who knowingly or intentionally—

1 “(1) imports or exports a listed chemical with
2 intent to manufacture a controlled substance in vio-
3 lation of this title or title II;

4 “(2) exports a listed chemical in violation of the
5 laws of the country to which the chemical is ex-
6 ported or serves as a broker or trader for an inter-
7 national transaction involving a listed chemical, if
8 the transaction is in violation of the laws of the
9 country to which the chemical is exported;

10 “(3) imports or exports a listed chemical know-
11 ing, or having reasonable cause to believe, that the
12 chemical will be used to manufacture a controlled
13 substance in violation of this title or title II; or

14 “(4) exports a listed chemical, or serves as a
15 broker or trader for an international transaction in-
16 volving a listed chemical, knowing, or having reason-
17 able cause to believe, that the chemical will be used
18 to manufacture a controlled substance in violation of
19 the laws of the country to which the chemical is
20 exported,

21 shall be fined in accordance with title 18, imprisoned not
22 more than 10 years, or both.”.

1 **SEC. 536. EXEMPTION AUTHORITY; ADDITIONAL PEN-**
2 **ALTIES.**

3 (a) NOTIFICATION REQUIREMENT.—Section 1018 of
4 the Controlled Substances Import and Export Act (21
5 U.S.C. 971), as amended by section 5(a), is amended by
6 adding at the end the following new subsection:

7 “(e)(1) The Attorney General may by regulation re-
8 quire that the 15-day notification requirement of sub-
9 section (a) apply to all exports of a listed chemical to a
10 specified country, regardless of the status of certain cus-
11 tomers in such country as regular customers, if the Attor-
12 ney General finds that such notification is necessary to
13 support effective chemical diversion control programs or
14 is required by treaty or other international agreement to
15 which the United States is a party.

16 “(2) The Attorney General may by regulation waive
17 the 15-day notification requirement for exports of a listed
18 chemical to a specified country if the Attorney General
19 determines that such notification is not required for effec-
20 tive chemical diversion control. If the notification require-
21 ment is waived, exporters of the listed chemical shall be
22 required to submit to the Attorney General reports of indi-
23 vidual exportations or periodic reports of such exportation
24 of the listed chemical, at such time or times and contain-
25 ing such information as the Attorney General shall estab-
26 lish by regulation.

1 “(3) The Attorney General may by regulation waive
2 the 15-day notification requirement for the importation of
3 a listed chemical if the Attorney General determines that
4 such notification is not necessary for effective chemical di-
5 version control. If the notification requirement is waived,
6 importers of the listed chemical shall be required to submit
7 to the Attorney General reports of individual importations
8 or periodic reports of the importation of the listed chemi-
9 cal, at such time or times and containing such information
10 as the Attorney General shall establish by regulation.”.

11 (b) PROHIBITED ACTS A.—Section 1010(d) of the
12 Controlled Substances Import and Export Act (21 U.S.C.
13 960(d)), as amended by section 5(b), is amended—

14 (1) by striking “or” at the end of paragraph
15 (3);

16 (2) by striking the comma at the end of para-
17 graph (4) and inserting a semicolon; and

18 (3) by adding at the end the following new
19 paragraphs:

20 “(5) imports or exports a listed chemical, with
21 the intent to evade the reporting or recordkeeping
22 requirements of section 1018 applicable to such im-
23 portation or exportation by falsely representing to
24 the Attorney General that the importation or expor-
25 tation qualifies for a waiver of the 15-day notifica-

1 tion requirement granted pursuant to section
2 1018(e) (2) or (3) by misrepresenting the actual
3 country of final destination of the listed chemical or
4 the actual listed chemical being imported or ex-
5 ported; or

6 “(6) imports or exports a listed chemical in vio-
7 lation of section 1007 or 1018,”.

8 **SEC. 537. AMENDMENTS TO LIST I.**

9 Section 102(34) of the Controlled Substances Act (21
10 U.S.C. 802(34)) is amended—

11 (1) by striking subparagraphs (O), (U), and
12 (W);

13 (2) by redesignating subparagraphs (P) through
14 (T) as (O) through (S), subparagraph (V) as (T),
15 and subparagraphs (X) and (Y) as (U) and (X), re-
16 spectively;

17 (3) in subparagraph (X), as redesignated by
18 paragraph (2), by striking “(X)” and inserting
19 “(U)”; and

20 (4) by inserting after subparagraph (U), as re-
21 designated by paragraph (2), the following new sub-
22 paragraphs:

23 “(V) benzaldehyde.

24 “(W) nitroethane.”.

1 **SEC. 538. ELIMINATION OF REGULAR SUPPLIER STATUS**
2 **AND CREATION OF REGULAR IMPORTER**
3 **STATUS.**

4 (a) DEFINITION.—Section 102(37) of the Controlled
5 Substances Act (21 U.S.C. 802(37)) is amended to read
6 as follows:

7 “(37) The term ‘regular importer’ means, with re-
8 spect to a listed chemical, a person that has an established
9 record as an importer of that listed chemical that is re-
10 ported to the Attorney General.”.

11 (b) NOTIFICATION.—Section 1018 of the Controlled
12 Substances Act (21 U.S.C. 971) is amended—

13 (1) in subsection (b)—

14 (A) in paragraph (1) by striking “regular
15 supplier of the regulated person” and inserting
16 “to an importation by a regular importer”; and

17 (B) in paragraph (2)—

18 (i) by striking “a customer or supplier
19 of a regulated person” and inserting “a
20 customer of a regulated person or to an
21 importer”; and

22 (ii) by striking “regular supplier” and
23 inserting “the importer as a regular im-
24 porter”; and

25 (2) in subsection (c)(1) by striking “regular
26 supplier” and inserting “regular importer”.

1 **SEC. 539. ADMINISTRATIVE INSPECTIONS AND AUTHORITY.**

2 Section 510 of the Controlled Substances Act (21
3 U.S.C. 880) is amended—

4 (1) by amending subsection (a)(2) to read as
5 follows:

6 “(2) places, including factories, warehouses,
7 and other establishments, and conveyances, where
8 persons registered under section 303 (or exempt
9 from registration under section 302(d) or by regula-
10 tion of the Attorney General) or regulated persons
11 may lawfully hold, manufacture, distribute, dispense,
12 administer, or otherwise dispose of controlled sub-
13 stances or listed chemicals or where records relating
14 to those activities are maintained.”; and

15 (2) in subsection (b)(3)—

16 (A) in subparagraph (B) by inserting “,
17 listed chemicals,” after “unfinished drugs”; and

18 (B) in subparagraph (C) by inserting “or
19 listed chemical” after “controlled substance”
20 and inserting “or chemical” after “such sub-
21 stance”.

22 **SEC. 540. THRESHOLD AMOUNTS.**

23 Section 102(39)(A) of the Controlled Substances Act
24 (21 U.S.C. 802(39)(A)), as amended by section 2, is
25 amended by inserting “of a listed chemical, or if the Attor-
26 ney General establishes a threshold amount for a specific

1 listed chemical,” before “a threshold amount, including a
2 cumulative threshold amount for multiple transactions”.

3 **SEC. 541. MANAGEMENT OF LISTED CHEMICALS.**

4 (a) IN GENERAL.—Part C of the Controlled Sub-
5 stances Act (21 U.S.C. 821 et seq.) is amended by adding
6 at the end the following new section:

7 “MANAGEMENT OF LISTED CHEMICALS

8 “SEC. 311. (a) OFFENSE.—It is unlawful for a per-
9 son who possesses a listed chemical with the intent that
10 it be used in the illegal manufacture of a controlled sub-
11 stance to manage the listed chemical or waste from the
12 manufacture of a controlled substance otherwise than as
13 required by regulations issued under sections 3001, 3002,
14 3003, 3004, and 3005 of the Solid Waste Disposal Act
15 (42 U.S.C. 6921, 6922, 6923, 6924, and 6925).

16 “(b) ENHANCED PENALTY.—(1) In addition to a
17 penalty that may be imposed for the illegal manufacture,
18 possession, or distribution of a listed chemical or toxic res-
19 idue of a clandestine laboratory, a person who violates sub-
20 section (a) shall be assessed the costs described in para-
21 graph (2) and shall be imprisoned as described in para-
22 graph (3).

23 “(2) Pursuant to paragraph (1) a defendant shall be
24 assessed the following costs to the United States, a State,
25 or another authority or person that undertakes to correct

1 the results of the improper management of a listed
2 chemical:

3 “(A) The cost of initial cleanup and disposal of
4 the listed chemical and contaminated property.

5 “(B) The cost of restoring property that is
6 damaged by exposure to a listed chemical for reha-
7 bilitation under Federal, State, and local standards.

8 “(3)(A) A violation of subsection (a) shall be pun-
9 ished as a class D felony, or in the case of a willful viola-
10 tion, as a class C felony.

11 “(B) It is the sense of the Congress that guidelines
12 issued by the Sentencing Commission regarding sentenc-
13 ing under this paragraph should recommend that the term
14 of imprisonment for a violation of subsection (a) should
15 not be less than 5 years, nor less than 10 years in the
16 case of a willful violation.

17 “(4) A court may order that all or a portion of the
18 earnings from work performed by a defendant in prison
19 be withheld for payment of costs assessed under para-
20 graph (2).

21 “(c) USE OF FORFEITED ASSETS.—The Attorney
22 General may direct that assets forfeited under section 511
23 in connection with a prosecution under this section be
24 shared with State agencies that participated in the seizure
25 or cleaning up of a contaminated site.”.

1 (b) EXCEPTION TO DISCHARGE IN BANKRUPTCY.—
2 Section 523(a) of title 11, United States Code, is amend-
3 ed—

4 (1) by striking “or” at the end of paragraph
5 (11);

6 (2) by striking the period at the end of para-
7 graph (12) and inserting “; or”; and

8 (3) by adding at the end the following new
9 paragraph:

10 “(13) for costs assessed under section 311(b) of
11 the Controlled Substances Act.”.

12 **SEC. 542. FORFEITURE EXPANSION.**

13 Section 511(a) of the Controlled Substances Act (21
14 U.S.C. 881(a)) is amended—

15 (1) in paragraph (6) by inserting “or listed
16 chemical” after “controlled substance”; and

17 (2) in paragraph (9) by striking “a felony pro-
18 vision of”.

19 **SEC. 543. ATTORNEY GENERAL ACCESS TO THE NATIONAL**
20 **PRACTITIONER DATA BANK.**

21 Part B of the Health Care Quality Improvement Act
22 of 1986 (42 U.S.C. 11131 et seq.) is amended by adding
23 at the end the following new section:

1 **“SEC. 428. DISCLOSURE OF INFORMATION TO THE ATTOR-**
2 **NEY GENERAL.**

3 “Information respecting physicians or other licensed
4 health care practitioners reported to the Secretary (or to
5 the agency designated under section 424(b)) under this
6 part or section 1921 of the Social Security Act (42 U.S.C.
7 1396r-2) shall be provided to the Attorney General. The
8 Secretary shall—

9 “(1) transmit to the Attorney General such in-
10 formation as the Attorney General may designate or
11 request to assist the Drug Enforcement Administra-
12 tion in the enforcement of the Controlled Substances
13 Act (21 U.S.C. 801 et seq.) and other laws enforced
14 by the Drug Enforcement Administration; and

15 “(2) transmit such information related to
16 health care providers as the Attorney General may
17 designate or request to assist the Federal Bureau of
18 Investigation in the enforcement of title 18, the Act
19 entitled ‘An Act to regulate the practice of pharmacy
20 and the sale of poison in the consular districts of the
21 United States in China’, approved March 3, 1915
22 (21 U.S.C. 201 et seq.), and chapter V of the Fed-
23 eral Food, Drug, and Cosmetic Act (21 U.S.C. 351
24 et seq.).”.

1 **SEC. 544. REGULATIONS AND EFFECTIVE DATE.**

2 (a) REGULATIONS.—The Attorney General shall, not
3 later than 90 days after the date of enactment of this sub-
4 title, issue regulations necessary to carry out this subtitle.

5 (b) EFFECTIVE DATE.—This subtitle and the amend-
6 ments made by this subtitle shall become effective on the
7 date that is 120 days after the date of enactment of this
8 subtitle.

9 **Subtitle E—Personnel**

10 **SEC. 551. MORE AGENTS FOR THE DRUG ENFORCEMENT**
11 **ADMINISTRATION.**

12 There are authorized to be appropriated for the hir-
13 ing of additional Drug Enforcement Administration
14 agents \$20,000,000 for each of fiscal years 1994, 1995,
15 1996, 1997, and 1998.

16 **SEC. 552. ADEQUATE STAFFING OF THE OFFICE OF NA-**
17 **TIONAL DRUG POLICY.**

18 Section 1003(d)(1) of the National Narcotics Leader-
19 ship Act of 1988 (21 U.S.C. 1502(d)(1) is amended by
20 striking “such” and inserting “at least 75 and such addi-
21 tional”.

1 **TITLE VI—PUNISHMENT AND**
 2 **DETERRENCE**
 3 **Subtitle A—Death Penalty**

4 **SEC. 601. SHORT TITLE.**

5 This title may be cited as the “Federal Death Penalty
 6 Act of 1993”.

7 **SEC. 602. DEATH PENALTY PROCEDURES.**

8 (a) ADDITION OF CHAPTER TO TITLE 18, UNITED
 9 STATES CODE.—Title 18, United States Code, is amended
 10 by inserting after chapter 227 the following new chapter:

11 **“CHAPTER 228—DEATH PENALTY**
 12 **PROCEDURES**

“Sec.

“3591. Sentence of death.

“3592. Factors to be considered in determining whether a sentence of death is
 justified.

“3593. Special hearing to determine whether a sentence of death is justified.

“3594. Imposition of a sentence of death.

“3595. Review of a sentence of death.

“3596. Implementation of a sentence of death.

“3597. Use of State facilities.

“3598. Appointment of counsel.

“3599. Collateral attack on judgment imposing sentence of death.

“3600. Application in Indian country.

13 **“§ 3591. Sentence of death**

14 “A defendant who has been found guilty of—

15 “(1) an offense described in section 794 or sec-
 16 tion 2381;

17 “(2) an offense described in section 1751(c) if
 18 the offense, as determined beyond a reasonable
 19 doubt at a hearing under section 3593, constitutes

1 an attempt to murder the President of the United
2 States and results in bodily injury to the President
3 or comes dangerously close to causing the death of
4 the President;

5 “(3) an offense referred to in section 408(c)(1)
6 of the Controlled Substances Act (21 U.S.C.
7 848(c)(1)), committed as part of a continuing crimi-
8 nal enterprise offense under the conditions described
9 in subsection (b) of that section which involved not
10 less than twice the quantity of controlled substance
11 described in subsection (b)(2)(A) or twice the gross
12 receipts described in subsection (b)(2)(B);

13 “(4) an offense referred to in section 408(c)(1)
14 of the Controlled Substances Act (21 U.S.C.
15 848(c)(1)), committed as part of a continuing crimi-
16 nal enterprise offense under that section, where the
17 defendant is a principal administrator, organizer, or
18 leader of such an enterprise, and the defendant, in
19 order to obstruct the investigation or prosecution of
20 the enterprise or an offense involved in the enter-
21 prise, attempts to kill or knowingly directs, advises,
22 authorizes, or assists another to attempt to kill any
23 public officer, juror, witness, or members of the fam-
24 ily or household of such a person;

1 “(5) an offense constituting a felony violation of
2 the Controlled Substances Act (21 U.S.C. 801 et
3 seq.), the Controlled Substances Import and Export
4 Act (21 U.S.C. 951 et seq.), or the Maritime Drug
5 Law Enforcement Act (46 U.S.C. App. 1901 et
6 seq.), where the defendant, intending to cause death
7 or acting with reckless disregard for human life, en-
8 gages in such a violation, and the death of another
9 person results in the course of the violation or from
10 the use of the controlled substance involved in the
11 violation; or

12 “(6) any other offense for which a sentence of
13 death is provided if the defendant, as determined be-
14 yond a reasonable doubt at a hearing under section
15 3593, caused the death of a person intentionally,
16 knowingly, or through recklessness manifesting ex-
17 treme indifference to human life, or caused the
18 death of a person through the intentional infliction
19 of serious bodily injury,

20 shall be sentenced to death if, after consideration of the
21 factors set forth in section 3592 in the course of a hearing
22 held pursuant to section 3593, it is determined that im-
23 position of a sentence of death is justified, except that no
24 person may be sentenced to death who was less than 18

1 years of age at the time of the offense or who is mentally
2 retarded.

3 **“§ 3592. Factors to be considered in determining**
4 **whether a sentence of death is justified**

5 “(a) MITIGATING FACTORS.—In determining wheth-
6 er a sentence of death is justified for any offense, the jury,
7 or if there is no jury, the court, shall consider each of
8 the following mitigating factors and determine which, if
9 any, exist:

10 “(1) MENTAL CAPACITY.—The defendant’s
11 mental capacity to appreciate the wrongfulness of
12 his conduct or to conform his conduct to the require-
13 ments of law was significantly impaired, regardless
14 of whether the capacity was so impaired as to con-
15 stitute a defense to the charge.

16 “(2) DURESS.—The defendant was under un-
17 usual and substantial duress, regardless of whether
18 the duress was of such a degree as to constitute a
19 defense to the charge.

20 “(3) PARTICIPATION IN OFFENSE MINOR.—The
21 defendant’s participation in the offense, which was
22 committed by another, was relatively minor, regard-
23 less of whether the participation was so minor as to
24 constitute a defense to the charge.

1 “(4) NO SIGNIFICANT CRIMINAL HISTORY.—
2 The defendant did not have a significant history of
3 other criminal conduct.

4 “(5) DISTURBANCE.—The defendant committed
5 the offense under severe mental or emotional dis-
6 turbance.

7 “(6) VICTIM’S CONSENT.—The victim consented
8 to the criminal conduct that resulted in the victim’s
9 death.

10 The jury, or if there is no jury, the court, shall consider
11 whether any other aspect of the defendant’s background,
12 character or record or any other circumstance of the of-
13 fense that the defendant may proffer as a mitigating fac-
14 tor exists.

15 “(b) AGGRAVATING FACTORS FOR ESPIONAGE AND
16 TREASON.—In determining whether a sentence of death
17 is justified for an offense described in section 3591(1), the
18 jury, or if there is no jury, the court, shall consider each
19 of the following aggravating factors and determine which,
20 if any, exist:

21 “(1) PREVIOUS ESPIONAGE OR TREASON CON-
22 VICTION.—The defendant has previously been con-
23 victed of another offense involving espionage or trea-
24 son for which a sentence of life imprisonment or
25 death was authorized by statute.

1 “(2) RISK OF SUBSTANTIAL DANGER TO NA-
2 TIONAL SECURITY.—In the commission of the of-
3 fense the defendant knowingly created a grave risk
4 to the national security.

5 “(3) RISK OF DEATH TO ANOTHER.—In the
6 commission of the offense the defendant knowingly
7 created a grave risk of death to another person.

8 The jury, or if there is no jury, the court, may consider
9 whether any other aggravating factor exists.

10 “(c) AGGRAVATING FACTORS FOR HOMICIDE AND
11 FOR ATTEMPTED MURDER OF THE PRESIDENT.—In de-
12 termining whether a sentence of death is justified for an
13 offense described in section 3591 (2) or (6), the jury, or
14 if there is no jury, the court, shall consider each of the
15 following aggravating factors and determine which, if any,
16 exist:

17 “(1) CONDUCT OCCURRED DURING COMMISSION
18 OF SPECIFIED CRIMES.—The conduct resulting in
19 death occurred during the commission or attempted
20 commission of, or during the immediate flight from
21 the commission of, an offense under section 32 (de-
22 struction of aircraft or aircraft facilities), section 33
23 (destruction of motor vehicles or motor vehicle facili-
24 ties), section 36 (violence at international airports),
25 section 351 (violence against Members of Congress,

1 Cabinet officers, or Supreme Court Justices), section
2 751 (prisoners in custody of institution or officer),
3 section 794 (gathering or delivering defense informa-
4 tion to aid foreign government), section 844(d)
5 (transportation of explosives in interstate commerce
6 for certain purposes), section 844(f) (destruction of
7 Government property by explosives), section 844(i)
8 (destruction of property affecting interstate com-
9 merce by explosives), section 1116 (killing or at-
10 tempted killing of diplomats), section 1118 (pris-
11 oners serving life term), section 1201 (kidnapping),
12 section 1203 (hostage taking), section 1751 (violence
13 against the President or Presidential staff), section
14 1992 (wrecking trains), section 2280 (maritime vio-
15 lence), section 2281 (maritime platform violence),
16 section 2332 (terrorist acts abroad against United
17 States nationals), section 2339A (use of weapons of
18 mass destruction), or section 2381 (treason) of this
19 title, section 1826 of title 28 (persons in custody as
20 recalcitrant witnesses or hospitalized following insan-
21 ity acquittal), or section 902 (i) or (n) of the Fed-
22 eral Aviation Act of 1958 (49 U.S.C. App. 1472 (i)
23 or (n) (aircraft piracy)).

1 “(2) INVOLVEMENT OF FIREARM OR PREVIOUS
2 CONVICTION OF VIOLENT FELONY INVOLVING FIRE-
3 ARM.—The defendant—

4 “(A) during and in relation to the commis-
5 sion of the offense or in escaping or attempting
6 to escape apprehension used or possessed a fire-
7 arm (as defined in section 921); or

8 “(B) has previously been convicted of a
9 Federal or State offense punishable by a term
10 of imprisonment of more than 1 year, involving
11 the use of attempted or threatened use of a
12 firearm (as defined in section 921), against an-
13 other person.

14 “(3) PREVIOUS CONVICTION OF OFFENSE FOR
15 WHICH A SENTENCE OF DEATH OR LIFE IMPRISON-
16 MENT WAS AUTHORIZED.—The defendant has pre-
17 viously been convicted of another Federal or State
18 offense resulting in the death of a person, for which
19 a sentence of life imprisonment or death was author-
20 ized by statute.

21 “(4) PREVIOUS CONVICTION OF OTHER SERI-
22 OUS OFFENSES.—The defendant has previously been
23 convicted of 2 or more Federal or State offenses,
24 each punishable by a term of imprisonment of more
25 than 1 year, committed on different occasions, in-

1 volving the importation, manufacture, or distribution
2 of a controlled substance (as defined in section 102
3 of the Controlled Substances Act (21 U.S.C. 802))
4 or the infliction of, or attempted infliction of, serious
5 bodily injury or death upon another person.

6 “(5) GRAVE RISK OF DEATH TO ADDITIONAL
7 PERSONS.—The defendant, in the commission of the
8 offense or in escaping or attempting to escape ap-
9 prehension, knowingly created a grave risk of death
10 to one or more persons in addition to the victim of
11 the offense.

12 “(6) HEINOUS, CRUEL, OR DEPRAVED MANNER
13 OF COMMISSION.—The defendant committed the of-
14 fense in an especially heinous, cruel, or depraved
15 manner in that it involved torture or serious physical
16 abuse to the victim.

17 “(7) PROCUREMENT OF OFFENSE BY PAY-
18 MENT.—The defendant procured the commission of
19 the offense by payment, or promise of payment, of
20 anything of pecuniary value.

21 “(8) COMMISSION OF THE OFFENSE FOR PECU-
22 NIARY GAIN.—The defendant committed the offense
23 as consideration for the receipt, or in the expectation
24 of the receipt, of anything of pecuniary value.

1 “(9) SUBSTANTIAL PLANNING AND
2 PREMEDITATION.—The defendant committed the of-
3 fense after substantial planning and premeditation.

4 “(10) VULNERABILITY OF VICTIM.—The victim
5 was particularly vulnerable due to old age, youth, or
6 infirmity.

7 “(11) TYPE OF VICTIM.—The defendant com-
8 mitted the offense against—

9 “(A) the President of the United States,
10 the President-elect, the Vice President, the Vice
11 President-elect, the Vice President-designate,
12 or, if there was no Vice President, the officer
13 next in order of succession to the office of the
14 President of the United States, or any person
15 acting as President under the Constitution and
16 laws of the United States;

17 “(B) a chief of state, head of government,
18 or the political equivalent, of a foreign nation;

19 “(C) a foreign official listed in section
20 1116(b)(3)(A), if that official was in the United
21 States on official business; or

22 “(D) a Federal public servant who was
23 outside of the United States or who was a Fed-
24 eral judge, a Federal law enforcement officer,
25 an employee (including a volunteer or contract

1 employee) of a Federal prison, or an official of
2 the Federal Bureau of Prisons—

3 “(i) while such public servant was en-
4 gaged in the performance of his official du-
5 ties;

6 “(ii) because of the performance of
7 such public servant’s official duties; or

8 “(iii) because of such public servant’s
9 status as a public servant.

10 For purposes of this paragraph, the terms ‘Presi-
11 dent-elect’ and ‘Vice President-elect’ mean such per-
12 sons as are the apparent successful candidates for
13 the offices of President and Vice President, respec-
14 tively, as ascertained from the results of the general
15 elections held to determine the electors of President
16 and Vice President in accordance with sections 1
17 and 2 of title 3; a ‘Federal law enforcement officer’
18 is a public servant authorized by law or by a Gov-
19 ernment agency or Congress to conduct or engage in
20 the prevention, investigation, or prosecution of an
21 offense; ‘Federal prison’ means a Federal correc-
22 tional, detention, or penal facility, Federal commu-
23 nity treatment center, or Federal halfway house, or
24 any such prison operated under contract with the
25 Federal Government; and ‘Federal judge’ means any

1 judicial officer of the United States, and includes a
2 justice of the Supreme Court and a United States
3 magistrate judge.

4 The jury, or if there is no jury, the court, may consider
5 whether any other aggravating factor exists.

6 “(d) AGGRAVATING FACTORS FOR DRUG OFFENSE
7 DEATH PENALTY.—In determining whether a sentence of
8 death is justified for an offense described in section 3591
9 (3), (4), or (5), the jury, or if there is no jury, the court,
10 shall consider each of the following aggravating factors
11 and determine which, if any, exist:

12 “(1) PREVIOUS CONVICTION OF OFFENSE FOR
13 WHICH A SENTENCE OF DEATH OR LIFE IMPRISON-
14 MENT WAS AUTHORIZED.—The defendant has pre-
15 viously been convicted of another Federal or State
16 offense resulting in the death of a person, for which
17 a sentence of life imprisonment or death was author-
18 ized by statute.

19 “(2) PREVIOUS CONVICTION OF OTHER SERI-
20 OUS OFFENSES.—The defendant has previously been
21 convicted of two or more Federal or State offenses,
22 each punishable by a term of imprisonment of more
23 than one year, committed on different occasions, in-
24 volving the importation, manufacture, or distribution
25 of a controlled substance (as defined in section 102

1 of the Controlled Substances Act (21 U.S.C. 802))
2 or the infliction of, or attempted infliction of, serious
3 bodily injury or death upon another person.

4 “(3) PREVIOUS SERIOUS DRUG FELONY CONVICT-
5 TION.—The defendant has previously been convicted
6 of another Federal or State offense involving the
7 manufacture, distribution, importation, or possession
8 of a controlled substance (as defined in section 102
9 of the Controlled Substances Act (21 U.S.C. 802))
10 for which a sentence of five or more years of impris-
11 onment was authorized by statute.

12 “(4) USE OF FIREARM.—In committing the of-
13 fense, or in furtherance of a continuing criminal en-
14 terprise of which the offense was a part, the defend-
15 ant used a firearm or knowingly directed, advised,
16 authorized, or assisted another to use a firearm (as
17 defined in section 921) to threaten, intimidate, as-
18 sault, or injure a person.

19 “(5) DISTRIBUTION TO PERSONS UNDER 21.—
20 The offense, or a continuing criminal enterprise of
21 which the offense was a part, involved conduct pro-
22 scribed by section 418 of the Controlled Substances
23 Act (21 U.S.C. 859) which was committed directly
24 by the defendant or for which the defendant would
25 be liable under section 2 of this title.

1 “(6) DISTRIBUTION NEAR SCHOOLS.—The of-
2 fense, or a continuing criminal enterprise of which
3 the offense was a part, involved conduct proscribed
4 by section 419 of the Controlled Substances Act (21
5 U.S.C. 860) which was committed directly by the de-
6 fendant or for which the defendant would be liable
7 under section 2 of this title.

8 “(7) USING MINORS IN TRAFFICKING.—The of-
9 fense, or a continuing criminal enterprise of which
10 the offense was a part, involved conduct proscribed
11 by section 420 of the Controlled Substances Act (21
12 U.S.C. 861) which was committed directly by the de-
13 fendant or for which the defendant would be liable
14 under section 2 of this title.

15 “(8) LETHAL ADULTERANT.—The offense in-
16 volved the importation, manufacture, or distribution
17 of a controlled substance (as defined in section 102
18 of the Controlled Substances Act (21 U.S.C. 802)),
19 mixed with a potentially lethal adulterant, and the
20 defendant was aware of the presence of the
21 adulterant.

22 The jury, or if there is no jury, the court, may consider
23 whether any other aggravating factor exists.

1 **“§ 3593. Special hearing to determine whether a sen-**
2 **tence of death is justified**

3 “(a) NOTICE BY THE GOVERNMENT.—Whenever the
4 Government intends to seek the death penalty for an of-
5 fense described in section 3591, the attorney for the Gov-
6 ernment, a reasonable time before the trial, or before ac-
7 ceptance by the court of a plea of guilty, or at such time
8 thereafter as the court may permit upon a showing of good
9 cause, shall sign and file with the court, and serve on the
10 defendant, a notice that the Government in the event of
11 conviction will seek the sentence of death. The notice shall
12 set forth the aggravating factor or factors enumerated in
13 section 3592, and any other aggravating factor not specifi-
14 cally enumerated in section 3592, that the Government,
15 if the defendant is convicted, will seek to prove as the basis
16 for the death penalty. The factors for which notice is pro-
17 vided under this subsection may include factors concerning
18 the effect of the offense on the victim and the victim’s
19 family. The court may permit the attorney for the Govern-
20 ment to amend the notice upon a showing of good cause.

21 “(b) HEARING BEFORE A COURT OR JURY.—When
22 the attorney for the Government has filed a notice as re-
23 quired under subsection (a) and the defendant is found
24 guilty of an offense described in section 3591, the judge
25 who presided at the trial or before whom the guilty plea
26 was entered, or another judge if that judge is unavailable,

1 shall conduct a separate sentencing hearing to determine
2 the punishment to be imposed. Prior to such a hearing,
3 no presentence report shall be prepared by the United
4 States Probation Service, notwithstanding the provisions
5 of the Federal Rules of Criminal Procedure. The hearing
6 shall be conducted—

7 “(1) before the jury that determined the de-
8 fendant’s guilt;

9 “(2) before a jury impaneled for the purpose of
10 the hearing if—

11 “(A) the defendant was convicted upon a
12 plea of guilty;

13 “(B) the defendant was convicted after a
14 trial before the court sitting without a jury;

15 “(C) the jury that determined the defend-
16 ant’s guilt was discharged for good cause; or

17 “(D) after initial imposition of a sentence
18 under this section, reconsideration of the sen-
19 tence under the section is necessary; or

20 “(3) before the court alone, upon motion of the
21 defendant and with the approval of the attorney for
22 the Government.

23 A jury impaneled pursuant to paragraph (2) shall consist
24 of 12 members, unless, at any time before the conclusion

1 of the hearing, the parties stipulate, with the approval of
2 the court, that it shall consist of a lesser number.

3 “(c) PROOF OF MITIGATING AND AGGRAVATING FAC-
4 TORS.—At the hearing, information may be presented as
5 to—

6 “(1) any matter relating to any mitigating fac-
7 tor listed in section 3592 and any other mitigating
8 factor; and

9 “(2) any matter relating to any aggravating
10 factor listed in section 3592 for which notice has
11 been provided under subsection (a) and (if informa-
12 tion is presented relating to such a listed factor) any
13 other aggravating factor for which notice has been
14 so provided.

15 The information presented may include the trial transcript
16 and exhibits. Any other information relevant to such miti-
17 gating or aggravating factors may be presented by either
18 the Government or the defendant. The information pre-
19 sented by the Government in support of factors concerning
20 the effect of the offense on the victim and the victim’s
21 family may include oral testimony, a victim impact state-
22 ment that identifies the victim of the offense and the na-
23 ture and extent of harm and loss suffered by the victim
24 and the victim’s family, and other relevant information.
25 Information is admissible regardless of its admissibility

1 under the rules governing admission of evidence at crimi-
2 nal trials, except that information may be excluded if its
3 probative value is outweighed by the danger of creating
4 unfair prejudice, confusing the issues, or misleading the
5 jury. The attorney for the Government and for the defend-
6 ant shall be permitted to rebut any information received
7 at the hearing, and shall be given fair opportunity to
8 present argument as to the adequacy of the information
9 to establish the existence of any aggravating or mitigating
10 factor, and as to the appropriateness in that case of im-
11 posing a sentence of death. The attorney for the Govern-
12 ment shall open the argument. The defendant shall be per-
13 mitted to reply. The Government shall then be permitted
14 to reply in rebuttal. The burden of establishing the exist-
15 ence of an aggravating factor is on the Government, and
16 is not satisfied unless the existence of such a factor is es-
17 tablished beyond a reasonable doubt. The burden of estab-
18 lishing the existence of any mitigating factor is on the de-
19 fendant, and is not satisfied unless the existence of such
20 a factor is established by a preponderance of the evidence.

21 “(d) RETURN OF SPECIAL FINDINGS.—The jury, or
22 if there is no jury, the court, shall consider all the informa-
23 tion received during the hearing. It shall return special
24 findings identifying any aggravating factor or factors set
25 forth in section 3592 found to exist and any other aggra-

1 vating factor for which notice has been provided under
2 subsection (a) found to exist. A finding with respect to
3 a mitigating factor may be made by one or more members
4 of the jury, and any member of the jury who finds the
5 existence of a mitigating factor may consider such factor
6 established for purposes of this section regardless of the
7 number of jurors who concur that the factor has been es-
8 tablished. A finding with respect to any aggravating factor
9 must be unanimous. If no aggravating factor set forth in
10 section 3592 is found to exist, the court shall impose a
11 sentence other than death authorized by law.

12 “(e) RETURN OF A FINDING CONCERNING A SEN-
13 TENCE OF DEATH.—If, in the case of—

14 “(1) an offense described in section 3591(1), an
15 aggravating factor required to be considered under
16 section 3592(b) is found to exist;

17 “(2) an offense described in section 3591 (2) or
18 (6), an aggravating factor required to be considered
19 under section 3592(c) is found to exist; or

20 “(3) an offense described in section 3591 (3),
21 (4), or (5), an aggravating factor required to be con-
22 sidered under section 3592(d) is found to exist,

23 the jury, or if there is no jury, the court, shall then con-
24 sider whether the aggravating factor or factors found to
25 exist under subsection (d) outweigh any mitigating factor

1 or factors. The jury, or if there is no jury, the court shall
2 recommend a sentence of death if it unanimously finds at
3 least one aggravating factor and no mitigating factor or
4 if it finds one or more aggravating factors which outweigh
5 any mitigating factors. In any other case, it shall not rec-
6 ommend a sentence of death. The jury shall be instructed
7 that it must avoid any influence of sympathy, sentiment,
8 passion, prejudice, or other arbitrary factors in its deci-
9 sion, and should make such a recommendation as the in-
10 formation warrants.

11 “(f) SPECIAL PRECAUTION TO ENSURE AGAINST
12 DISCRIMINATION.—In a hearing held before a jury, the
13 court, prior to the return of a finding under subsection
14 (e), shall instruct the jury that, in considering whether
15 a sentence of death is justified, it shall not be influenced
16 by prejudice or bias relating to the race, color, religion,
17 national origin, or sex of the defendant or of any victim
18 and that the jury is not to recommend a sentence of death
19 unless it has concluded that it would recommend a sen-
20 tence of death for the crime in question no matter what
21 the race, color, religion, national origin, or sex of the de-
22 fendant or of any victim may be. The jury, upon return
23 of a finding under subsection (e), shall also return to the
24 court a certificate, signed by each juror, that prejudice or
25 bias relating to the race, color, religion, national origin,

1 or sex of the defendant or any victim was not involved
2 in reaching his or her individual decision and that the indi-
3 vidual juror would have made the same recommendation
4 regarding a sentence for the crime in question no matter
5 what the race, color, religion, national origin, or sex of
6 the defendant or any victim may be.

7 **“§ 3594. Imposition of a sentence of death**

8 “Upon the recommendation under section 3593(e)
9 that a sentence of death be imposed, the court shall sen-
10 tence the defendant to death. Otherwise the court shall
11 impose a sentence, other than death, authorized by law.
12 Notwithstanding any other provision of law, if the maxi-
13 mum term of imprisonment for the offense is life imprison-
14 ment, the court may impose a sentence of life imprison-
15 ment without the possibility of release.

16 **“§ 3595. Review of a sentence of death**

17 “(a) APPEAL.—In a case in which a sentence of death
18 is imposed, the sentence shall be subject to review by the
19 court of appeals upon appeal by the defendant. Notice of
20 appeal of the sentence must be filed within the time speci-
21 fied for the filing of a notice of appeal of the judgment
22 of conviction. An appeal of the sentence under this section
23 may be consolidated with an appeal of the judgment of
24 conviction and shall have priority over all other cases.

1 “(b) REVIEW.—The court of appeals shall review the
2 entire record in the case, including—

3 “(1) the evidence submitted during the trial;

4 “(2) the information submitted during the sen-
5 tencing hearing;

6 “(3) the procedures employed in the sentencing
7 hearing; and

8 “(4) the special findings returned under section
9 3593(d).

10 “(c) DECISION AND DISPOSITION.—

11 “(1) AFFIRMANCE.—If the court of appeals de-
12 termines that—

13 “(A) the sentence of death was not im-
14 posed under the influence of passion, prejudice,
15 or any other arbitrary factor;

16 “(B) the evidence and information support
17 the special findings of the existence of an ag-
18 gravating factor or factors; and

19 “(C) the proceedings did not involve any
20 other prejudicial error requiring reversal of the
21 sentence that was properly preserved for and
22 raised on appeal,
23 it shall affirm the sentence.

24 “(2) REMAND.—In a case in which the sentence
25 is not affirmed under paragraph (1), the court of

1 appeals shall remand the case for reconsideration
2 under section 3593 or for imposition of another au-
3 thorized sentence as appropriate, except that the
4 court shall not reverse a sentence of death on the
5 ground that an aggravating factor was invalid or
6 was not supported by the evidence and information
7 if at least one aggravating factor required to be con-
8 sidered under section 3592 remains which was found
9 to exist and the court, on the basis of the evidence
10 submitted at trial and the information submitted at
11 the sentencing hearing, finds no mitigating factor or
12 finds that the remaining aggravating factor or fac-
13 tors which were found to exist outweigh any mitigat-
14 ing factors.

15 “(3) STATEMENT OF REASONS.—The court of
16 appeals shall state in writing the reasons for its dis-
17 position of an appeal of a sentence of death under
18 this section.

19 **“§ 3596. Implementation of a sentence of death**

20 “(a) IN GENERAL.—A person who has been sen-
21 tenced to death pursuant to this chapter shall be commit-
22 ted to the custody of the Attorney General until exhaus-
23 tion of the procedures for appeal of the judgment of con-
24 viction and for review of the sentence. When the sentence
25 is to be implemented, the Attorney General shall release

1 the person sentenced to death to the custody of a United
2 States Marshal, who shall supervise implementation of the
3 sentence in the manner prescribed by the law of the State
4 in which the sentence is imposed. If the law of such State
5 does not provide for implementation of a sentence of
6 death, the court shall designate another State, the law of
7 which does so provide, and the sentence shall be imple-
8 mented in the manner prescribed by such law.

9 “(b) SPECIAL BARS TO EXECUTION.—A sentence of
10 death shall not be carried out upon a person who lacks
11 the mental capacity to understand the death penalty and
12 why it was imposed on that person, or upon a woman while
13 she is pregnant.

14 “(c) EMPLOYEES MAY DECLINE TO PARTICIPATE.—
15 No employee of any State department of corrections, the
16 Federal Bureau of Prisons, or the United States Marshals
17 Service, and no employee providing services to that depart-
18 ment, bureau, or service under contract shall be required,
19 as a condition of that employment or contractual obliga-
20 tion, to be in attendance at or to participate in any execu-
21 tion carried out under this section if such participation
22 is contrary to the moral or religious convictions of the em-
23 ployee. For purposes of this subsection, the term ‘partici-
24 pate in any execution’ includes personal preparation of the
25 condemned individual and the apparatus used for the exe-

1 cution, and supervision of the activities of other personnel
2 in carrying out such activities.

3 **“§ 3597. Use of State facilities**

4 “A United States Marshal charged with supervising
5 the implementation of a sentence of death may use appro-
6 priate State or local facilities for the purpose, may use
7 the services of an appropriate State or local official or of
8 a person such an official employs for the purpose, and
9 shall pay the costs thereof in an amount approved by the
10 Attorney General.

11 **“§ 3598. Appointment of counsel**

12 “(a) REPRESENTATION OF INDIGENT DEFEND-
13 ANTS.—This section shall govern the appointment of coun-
14 sel for any defendant against whom a sentence of death
15 is sought, or on whom a sentence of death has been im-
16 posed, for an offense against the United States, where the
17 defendant is or becomes financially unable to obtain ade-
18 quate representation. Such a defendant shall be entitled
19 to appointment of counsel from the commencement of trial
20 proceedings until one of the conditions specified in section
21 3599(b) has occurred. This section shall not affect the ap-
22 pointment of counsel and the provision of ancillary legal
23 services under section 408(q) (4), (5), (6), (7), (8), (9),
24 and (10) of the Controlled Substances Act (21 U.S.C. 848
25 (q) (4), (5), (6), (7), (8), (9), and (10)).

1 “(b) REPRESENTATION BEFORE FINALITY OF JUDG-
2 MENT.—A defendant within the scope of this section shall
3 have counsel appointed for trial representation as provided
4 in section 3005. At least 1 counsel so appointed shall con-
5 tinue to represent the defendant until the conclusion of
6 direct review of the judgment, unless replaced by the court
7 with other qualified counsel.

8 “(c) REPRESENTATION AFTER FINALITY OF JUDG-
9 MENT.—When a judgment imposing a sentence of death
10 has become final through affirmance by the Supreme
11 Court on direct review, denial of certiorari by the Supreme
12 Court on direct review, or expiration of the time for seek-
13 ing direct review in the court of appeals or the Supreme
14 Court, the Government shall promptly notify the district
15 court that imposed the sentence. Within 10 days after re-
16 ceipt of such notice, the district court shall proceed to
17 make a determination whether the defendant is eligible
18 under this section for appointment of counsel for subse-
19 quent proceedings. On the basis of the determination, the
20 court shall issue an order—

21 “(1) appointing 1 or more counsel to represent
22 the defendant upon a finding that the defendant is
23 financially unable to obtain adequate representation
24 and wishes to have counsel appointed or is unable

1 competently to decide whether to accept or reject ap-
2 pointment of counsel;

3 “(2) finding, after a hearing if necessary, that
4 the defendant rejected appointment of counsel and
5 made the decision with an understanding of its legal
6 consequences; or

7 “(3) denying the appointment of counsel upon
8 a finding that the defendant is financially able to ob-
9 tain adequate representation.

10 Counsel appointed pursuant to this subsection shall be dif-
11 ferent from the counsel who represented the defendant at
12 trial and on direct review unless the defendant and counsel
13 request a continuation or renewal of the earlier represen-
14 tation.

15 “(d) STANDARDS FOR COMPETENCE OF COUNSEL.—
16 In relation to a defendant who is entitled to appointment
17 of counsel under this section, at least 1 counsel appointed
18 for trial representation must have been admitted to the
19 bar for at least 5 years and have at least 3 years of experi-
20 ence in the trial of felony cases in the federal district
21 courts. If new counsel is appointed after judgment, at
22 least 1 counsel so appointed must have been admitted to
23 the bar for at least 5 years and have at least 3 years of
24 experience in the litigation of felony cases in the Federal
25 courts of appeals or the Supreme Court. The court, for

1 good cause, may appoint counsel who does not meet the
2 standards prescribed in the 2 preceding sentences, but
3 whose background, knowledge, or experience would other-
4 wise enable him or her to properly represent the defend-
5 ant, with due consideration of the seriousness of the pen-
6 alty and the nature of the litigation.

7 “(e) APPLICABILITY OF CRIMINAL JUSTICE ACT.—
8 Except as otherwise provided in this section, section
9 3006A shall apply to appointments under this section.

10 “(f) CLAIMS OF INEFFECTIVENESS OF COUNSEL.—
11 The ineffectiveness or incompetence of counsel during pro-
12 ceedings on a motion under section 2255 of title 28 in
13 a capital case shall not be a ground for relief from the
14 judgment or sentence in any proceeding. This limitation
15 shall not preclude the appointment of different counsel at
16 any stage of the proceedings.

17 **“§ 3599. Collateral attack on judgment imposing sen-**
18 **tence of death**

19 “(a) TIME FOR MAKING SECTION 2255 MOTION.—
20 In a case in which a sentence of death has been imposed,
21 and the judgment has become final as described in section
22 3598(c), a motion in the case under section 2255 of title
23 28 shall be filed within 90 days of the issuance of the
24 order relating to appointment of counsel under section
25 3598(c). The court in which the motion is filed, for good

1 cause shown, may extend the time for filing for a period
2 not exceeding 60 days. A motion described in this section
3 shall have priority over all noncapital matters in the dis-
4 trict court, and in the court of appeals on review of the
5 district court's decision.

6 “(b) STAY OF EXECUTION.—The execution of a sen-
7 tence of death shall be stayed in the course of direct review
8 of the judgment and during the litigation of an initial mo-
9 tion in the case under section 2255 of title 28. The stay
10 shall run continuously following imposition of the sen-
11 tence, and shall expire if—

12 “(1) the defendant fails to file a motion under
13 section 2255 of title 28 within the time specified in
14 subsection (a), or fails to make a timely application
15 for court of appeals review following the denial of
16 such a motion by a district court;

17 “(2) upon completion of district court and court
18 of appeals review under section 2255 of title 28, the
19 motion under that section is denied and—

20 “(A) the time for filing a petition for cer-
21 tiorari has expired and no petition has been
22 filed;

23 “(B) a timely petition for certiorari was
24 filed and the Supreme Court denied the peti-
25 tion; or

1 “(C) a timely petition for certiorari was
2 filed and upon consideration of the case, the
3 Supreme Court disposed of it in a manner that
4 left the capital sentence undisturbed; or

5 “(3) before a district court, in the presence of
6 counsel and after having been advised of the con-
7 sequences of the decision to do so, the defendant
8 waives the right to file a motion under section 2255
9 of title 28.

10 “(c) FINALITY OF DECISION ON REVIEW.—If one of
11 the conditions specified in subsection (b) has occurred, no
12 court thereafter shall have the authority to enter a stay
13 of execution or grant relief in the case unless—

14 “(1) the basis for the stay and request for relief
15 is a claim not presented in earlier proceedings;

16 “(2) the failure to raise the claim was—

17 “(A) the result of governmental action in
18 violation of the Constitution or laws of the
19 United States;

20 “(B) the result of the Supreme Court rec-
21 ognition of a new Federal right that is retro-
22 actively applicable; or

23 “(C) based on a factual predicate that
24 could not have been discovered through the ex-

1 ercise of reasonable diligence in time to present
2 the claim in earlier proceedings; and

3 “(3) the facts underlying the claim would be
4 sufficient, if proven, to undermine the court’s con-
5 fidence in the determination of guilt on the offense
6 or offenses for which the death penalty was imposed.

7 **“§ 3600. Application in Indian country**

8 “Notwithstanding sections 1152 and 1153, no person
9 subject to the criminal jurisdiction of an Indian tribal gov-
10 ernment shall be subject to a capital sentence under this
11 chapter for any offense the Federal jurisdiction for which
12 is predicated solely on Indian country as defined in section
13 1151 and which has occurred within the boundaries of
14 such Indian country, unless the governing body of the
15 tribe has made an election that this chapter have effect
16 over land and persons subject to its criminal jurisdiction.”.

17 (b) TECHNICAL AMENDMENT.—The part analysis for
18 part II of title 18, United States Code, is amended by
19 adding after the item relating to chapter 227 the following
20 new item:

“228. Death penalty procedures 3591.”.

1 **SEC. 603. CONFORMING AMENDMENT RELATING TO DE-**
2 **STRUCTION OF AIRCRAFT OR AIRCRAFT**
3 **FACILITIES.**

4 Section 34 of title 18, United States Code, is amend-
5 ed by striking the comma after “life” and all that follows
6 through “order”.

7 **SEC. 604. CONFORMING AMENDMENT RELATING TO ESPIO-**
8 **NAGE.**

9 Section 794(a) of title 18, United States Code, is
10 amended by striking the period at the end and inserting
11 “, except that the sentence of death shall not be imposed
12 unless the jury or, if there is no jury, the court, further
13 finds beyond a reasonable doubt at a hearing under sec-
14 tion 3593 that the offense directly concerned—

15 “(1) nuclear weaponry, military spacecraft and
16 satellites, early warning systems, or other means of
17 defense or retaliation against large-scale attack;

18 “(2) war plans;

19 “(3) communications intelligence or cryp-
20 tographic information;

21 “(4) sources or methods of intelligence or coun-
22 terintelligence operations; or

23 “(5) any other major weapons system or major
24 element of defense strategy.”.

1 **SEC. 605. CONFORMING AMENDMENT RELATING TO TRANS-**
2 **PORTING EXPLOSIVES.**

3 Section 844(d) of title 18, United States Code, is
4 amended by striking “as provided in section 34 of this
5 title”.

6 **SEC. 606. CONFORMING AMENDMENT RELATING TO MALI-**
7 **CIOUS DESTRUCTION OF FEDERAL PROP-**
8 **ERTY BY EXPLOSIVES.**

9 Section 844(f) of title 18, United States Code, is
10 amended by striking “as provided in section 34 of this
11 title”.

12 **SEC. 607. CONFORMING AMENDMENT RELATING TO MALI-**
13 **CIOUS DESTRUCTION OF INTERSTATE PROP-**
14 **ERTY BY EXPLOSIVES.**

15 Section 844(i) of title 18, United States Code, is
16 amended by striking “as provided in section 34 of this
17 title”.

18 **SEC. 608. CONFORMING AMENDMENT RELATING TO**
19 **MURDER.**

20 Section 1111(b) of title 18, United States Code, is
21 amended to read as follows:

22 “(b) Within the special maritime and territorial juris-
23 diction of the United States—

24 “(1) whoever is guilty of murder in the first de-
25 gree shall be punished by death or by imprisonment
26 for life; and

1 “(2) whoever is guilty of murder in the second
2 degree shall be imprisoned for any term of years or
3 for life.”.

4 **SEC. 609. CONFORMING AMENDMENT RELATING TO KILL-**
5 **ING OFFICIAL GUESTS OR INTERNATIONALLY**
6 **PROTECTED PERSONS.**

7 Section 1116(a) of title 18, United States Code, is
8 amended by striking the comma after “title” and all that
9 follows through “years”.

10 **SEC. 610. MURDER BY FEDERAL PRISONER.**

11 (a) OFFENSE.—Chapter 51 of title 18, United States
12 Code, is amended by adding at the end the following new
13 section:

14 **“§ 1118. Murder by a Federal prisoner**

15 “(a) OFFENSE.—Whoever, while confined in a Fed-
16 eral prison under a sentence for a term of life imprison-
17 ment, murders another shall be punished by death or by
18 life imprisonment without the possibility of release.

19 “(b) DEFINITIONS.—For purposes of this section—

20 “(1) ‘Federal prison’ means any Federal correc-
21 tional, detention, or penal facility, Federal commu-
22 nity treatment center, or Federal halfway house, or
23 any such prison operated under contract with the
24 Federal Government; and

1 “(2) ‘term of life imprisonment’ means a sen-
 2 tence for the term of natural life, a sentence com-
 3 muted to natural life, an indeterminate term of a
 4 minimum of at least 15 years and a maximum of
 5 life, or an unexecuted sentence of death.”.

6 (b) TECHNICAL AMENDMENT.—The chapter analysis
 7 for chapter 51 of title 18, United States Code, is amended
 8 by adding at the end the following new item:

 “1118. Murder by a Federal prisoner.”.

9 **SEC. 611. CONFORMING AMENDMENT RELATING TO**
 10 **KIDNAPPING.**

11 Section 1201(a) of title 18, United States Code, is
 12 amended by striking the period at the end and inserting
 13 “and, if the death of any person results, shall be punished
 14 by death or life imprisonment”.

15 **SEC. 612. CONFORMING AMENDMENT RELATING TO HOS-**
 16 **TAGE TAKING.**

17 Section 1203(a) of title 18, United States Code, is
 18 amended by striking the period at the end and inserting
 19 “and, if the death of any person results, shall be punished
 20 by death or life imprisonment”.

21 **SEC. 613. CONFORMING AMENDMENT RELATING TO MAIL-**
 22 **ABILITY OF INJURIOUS ARTICLES.**

23 The last paragraph of section 1716 of title 18, United
 24 States Code, is amended by striking the comma after
 25 “life” and all that follows through “order”.

1 **SEC. 614. CONFORMING AMENDMENT RELATING TO PRESI-**
2 **DENTIAL ASSASSINATION.**

3 Section 1751(c) of title 18, United States Code, is
4 amended to read as follows:

5 “(c) Whoever attempts to murder or kidnap any indi-
6 vidual designated in subsection (a) shall be punished—

7 “(1) by imprisonment for any term of years or
8 for life; or

9 “(2) if the conduct constitutes an attempt to
10 murder the President of the United States and re-
11 sults in bodily injury to the President or otherwise
12 comes dangerously close to causing the death of the
13 President, by death or imprisonment for any term of
14 years or for life.”.

15 **SEC. 615. CONFORMING AMENDMENT RELATING TO MUR-**
16 **DER FOR HIRE.**

17 Section 1958(a) of title 18, United States Code, is
18 amended by striking “and if death results, shall be subject
19 to imprisonment for any term of years or for life, or shall
20 be fined not more than \$50,000, or both” and inserting
21 “and if death results, shall be punished by death or life
22 imprisonment, or shall be fined in accordance with this
23 title, or both”.

1 **SEC. 616. CONFORMING AMENDMENT RELATING TO VIO-**
2 **LENT CRIMES IN AID OF RACKETEERING**
3 **ACTIVITY.**

4 Section 1959(a)(1) of title 18, United States Code,
5 is amended to read as follows:

6 “(1) for murder, by death or life imprisonment,
7 or a fine in accordance with this title, or both, and
8 for kidnapping, by imprisonment for any term of
9 years or for life, or a fine in accordance with this
10 title, or both;”.

11 **SEC. 617. CONFORMING AMENDMENT RELATING TO**
12 **WRECKING TRAINS.**

13 The penultimate paragraph of section 1992 of title
14 18, United States Code, is amended by striking the comma
15 after “life” and all that follows through “order”.

16 **SEC. 618. CONFORMING AMENDMENT RELATING TO BANK**
17 **ROBBERY.**

18 Section 2113(e) of title 18, United States Code, is
19 amended by striking “or punished by death if the verdict
20 of the jury shall so direct” and inserting “or if death re-
21 sults shall be punished by death or life imprisonment”.

22 **SEC. 619. CONFORMING AMENDMENT RELATING TO TER-**
23 **RORIST ACTS.**

24 Section 2332(a)(1) of title 18, United States Code,
25 as redesignated by section 601(b)(2), is amended to read
26 as follows:

1 “(1) if the killing is murder as defined in sec-
2 tion 1111(a), be fined under this title, punished by
3 death or imprisonment for any term of years or for
4 life, or both;”.

5 **SEC. 620. CONFORMING AMENDMENT RELATING TO AIR-**
6 **CRAFT HIJACKING.**

7 Section 903 of the Federal Aviation Act of 1958 (49
8 U.S.C. App. 1473) is amended by striking subsection (c).

9 **SEC. 621. CONFORMING AMENDMENT TO CONTROLLED**
10 **SUBSTANCES ACT.**

11 Section 408 of the Controlled Substances Act (21
12 U.S.C. 848) is amended by striking subsections (g), (h),
13 (i), (j), (k), (l), (m), (n), (o), (p), (q) (1), (2), and (3),
14 and (r).

15 **SEC. 622. CONFORMING AMENDMENT RELATING TO GENO-**
16 **CIDE.**

17 Section 1091(b)(1) of title 18, United States Code,
18 is amended by striking “a fine of not more than
19 \$1,000,000 and imprisonment for life” and inserting
20 “death or imprisonment for life and a fine of not more
21 than \$1,000,000”.

22 **SEC. 623. PROTECTION OF COURT OFFICERS AND JURORS.**

23 Section 1503 of title 18, United States Code, is
24 amended—

25 (1) by inserting “(a)” before “Whoever”;

1 (2) in subsection (a), as designated by para-
2 graph (1)—

3 (A) by striking “commissioner” each place
4 it appears and inserting “magistrate judge”;
5 and

6 (B) by striking “fined not more than
7 \$5,000 or imprisoned not more than five years,
8 or both” and inserting “punished as provided in
9 subsection (b)”’; and

10 (3) by adding at the end the following new sub-
11 section:

12 “(b) The punishment for an offense under this sec-
13 tion is—

14 “(1) in the case of a killing, the punishment
15 provided in sections 1111 and 1112;

16 “(2) in the case of an attempted killing, or a
17 case in which the offense was committed against a
18 petit juror and in which a class A or B felony was
19 charged, imprisonment for not more than 20 years;
20 and

21 “(3) in any other case, imprisonment for not
22 more than 10 years.”.

1 **SEC. 624. PROHIBITION OF RETALIATORY KILLINGS OF**
2 **WITNESSES, VICTIMS, AND INFORMANTS.**

3 Section 1513 of title 18, United States Code, is
4 amended—

5 (1) by redesignating subsections (a) and (b) as
6 subsections (b) and (c), respectively; and

7 (2) by inserting before subsection (b), as reded-
8 igned by paragraph (1), the following new sub-
9 section:

10 “(a)(1) Whoever kills or attempts to kill another per-
11 son with intent to retaliate against any person for—

12 “(A) the attendance of a witness or party at an
13 official proceeding, or any testimony given or any
14 record, document, or other object produced by a wit-
15 ness in an official proceeding; or

16 “(B) any information relating to the commis-
17 sion or possible commission of a Federal offense or
18 a violation of conditions of probation, parole, or re-
19 lease pending judicial proceedings given by a person
20 to a law enforcement officer,

21 shall be punished as provided in paragraph (2).

22 “(2) The punishment for an offense under this sub-
23 section is—

24 “(A) in the case of a killing, the punishment
25 provided in sections 1111 and 1112; and

1 “(B) in the case of an attempt, imprisonment
2 for not more than 20 years.”.

3 **SEC. 625. DEATH PENALTY FOR MURDER OF FEDERAL LAW**
4 **ENFORCEMENT OFFICERS.**

5 Section 1114 of title 18, United States Code, is
6 amended by striking “be punished as provided under sec-
7 tions 1111 and 1112 of this title, except that” and insert-
8 ing “, in the case of murder (as defined in section 1111),
9 be punished by death or imprisonment for life, and, in the
10 case of manslaughter (as defined in section 1112), be pun-
11 ished as provided in section 1112, and”.

12 **SEC. 626. DEATH PENALTY FOR MURDER OF STATE OR**
13 **LOCAL LAW ENFORCEMENT OFFICERS AS-**
14 **SISTING FEDERAL LAW ENFORCEMENT OFFI-**
15 **CERS.**

16 Section 1114 of title 18, United States Code, is
17 amended by inserting “, or any State or local law enforce-
18 ment officer while assisting, or on account of his or her
19 assistance of, any Federal officer or employee covered by
20 this section in the performance of duties,” after “other
21 statutory authority”.

1 **SEC. 627. IMPLEMENTATION OF THE 1988 PROTOCOL FOR**
2 **THE SUPPRESSION OF UNLAWFUL ACTS OF**
3 **VIOLENCE AT AIRPORTS SERVING INTER-**
4 **NATIONAL CIVIL AVIATION.**

5 (a) OFFENSE.—Chapter 2 of title 18, United States
6 Code, is amended by adding at the end the following new
7 section:

8 **“§ 36. Violence at international airports**

9 “(a) Whoever unlawfully and intentionally, using any
10 device, substance or weapon—

11 “(1) performs an act of violence against a per-
12 son at an airport serving international civil aviation
13 which causes or is likely to cause serious injury or
14 death; or

15 “(2) destroys or seriously damages the facilities
16 of an airport serving international civil aviation or a
17 civil aircraft not in service located thereon or dis-
18 rupts the services of the airport,

19 if such an act endangers or is likely to endanger safety
20 at the airport, or attempts to do such an act, shall be fined
21 under this title, imprisoned not more than 20 years, or
22 both, and if the death of any person results from conduct
23 prohibited by this subsection, shall be punished by death
24 or imprisoned for any term of years or for life.

25 “(b) There is jurisdiction over the activity prohibited
26 in subsection (a) if—

1 “(1) the prohibited activity takes place in the
2 United States; or

3 “(2) the prohibited activity takes place outside
4 the United States and the offender is later found in
5 the United States.”.

6 (b) TECHNICAL AMENDMENT.—The chapter analysis
7 for chapter 2 of title 18, United States Code, is amended
8 by adding at the end the following new item:

 “36. Violence at international airports.”.

9 (c) EFFECTIVE DATE.—The amendments made by
10 this section shall take effect on the later of—

11 (1) the date of enactment of this Act; or

12 (2) the date on which the Protocol for the Sup-
13 pression of Unlawful Acts of Violence at Airports
14 Serving International Civil Aviation, Supplementary
15 to the Convention for the Suppression of Unlawful
16 Acts Against the Safety of Civil Aviation, done at
17 Montreal on 23 September 1971, has come into
18 force and the United States has become a party to
19 the Protocol.

20 **SEC. 628. AMENDMENT TO FEDERAL AVIATION ACT.**

21 Section 902(n) of the Federal Aviation Act of 1958
22 (49 U.S.C. App. 1472(n)) is amended—

23 (1) by striking paragraph (3); and

24 (2) by redesignating paragraph (4) as para-
25 graph (3).

1 **SEC. 629. OFFENSES OF VIOLENCE AGAINST MARITIME**
2 **NAVIGATION OR FIXED PLATFORMS.**

3 (a) OFFENSE.—Chapter 111 of title 18, United
4 States Code, is amended by adding at the end the follow-
5 ing new sections:

6 **“§ 2280. Violence against maritime navigation**

7 “(a) OFFENSE.—Whoever unlawfully and inten-
8 tionally—

9 “(1) seizes or exercises control over a ship by
10 force or threat thereof or any other form of intimi-
11 dation;

12 “(2) performs an act of violence against a per-
13 son on board a ship if that act is likely to endanger
14 the safe navigation of that ship;

15 “(3) destroys a ship or causes damage to a ship
16 or to its cargo which is likely to endanger the safe
17 navigation of that ship;

18 “(4) places or causes to be placed on a ship, by
19 any means whatsoever, a device or substance which
20 is likely to destroy that ship, or cause damage to
21 that ship or its cargo which endangers or is likely
22 to endanger the safe navigation of that ship;

23 “(5) destroys or seriously damages maritime
24 navigational facilities or seriously interferes with
25 their operation, if such act is likely to endanger the
26 safe navigation of a ship;

1 “(6) communicates information, knowing the
2 information to be false and under circumstances in
3 which such information may reasonably be believed,
4 thereby endangering the safe navigation of a ship;

5 “(7) injures or kills any person in connection
6 with the commission or the attempted commission of
7 an offense described in paragraph (1), (2), (3), (4),
8 (5), or (6); or

9 “(8) attempts to commit any act prohibited
10 under paragraph (1), (2), (3), (4), (5), (6), or (7),
11 shall be fined under this title, imprisoned not more than
12 20 years, or both, and if the death of any person results
13 from conduct prohibited by this subsection, shall be pun-
14 ished by death or imprisoned for any term of years or for
15 life.

16 “(b) THREATENED OFFENSE.—Whoever threatens to
17 commit any act prohibited under subsection (a) (2), (3),
18 or (5), with apparent determination and will to carry the
19 threat into execution, if the threatened act is likely to en-
20 danger the safe navigation of the ship in question, shall
21 be fined under this title, imprisoned not more than 5
22 years, or both.

23 “(c) JURISDICTION.—There is jurisdiction over the
24 activity prohibited in subsections (a) and (b)—

25 “(1) in the case of a covered ship, if—

1 “(A) such activity is committed—

2 “(i) against or on board a ship flying
3 the flag of the United States at the time
4 the prohibited activity is committed;

5 “(ii) in the United States; or

6 “(iii) by a national of the United
7 States or by a stateless person whose ha-
8 bitual residence is in the United States;

9 “(B) during the commission of such activ-
10 ity, a national of the United States is seized,
11 threatened, injured, or killed; or

12 “(C) the offender is later found in the
13 United States after such activity is committed;

14 “(2) in the case of a ship navigating or sched-
15 uled to navigate solely within the territorial sea or
16 internal waters of a country other than the United
17 States, if the offender is later found in the United
18 States after such activity is committed; and

19 “(3) in the case of any vessel, if such activity
20 is committed in an attempt to compel the United
21 States to do or abstain from doing any act.

22 “(d) DELIVERY OF PROBABLE OFFENDER.—The
23 master of a covered ship flying the flag of the United
24 States who has reasonable grounds to believe that he or
25 she has on board the ship any person who has committed

1 an offense under Article 3 of the Convention for the Sup-
2 pression of Unlawful Acts Against the Safety of Maritime
3 Navigation may deliver such person to the authorities of
4 a State Party to that Convention. Before delivering such
5 person to the authorities of another country, the master
6 shall notify in an appropriate manner the Attorney Gen-
7 eral of the United States of the alleged offense and await
8 instructions from the Attorney General as to what action
9 the master should take. When delivering the person to a
10 country which is a State Party to the Convention, the mas-
11 ter shall, whenever practicable, and if possible before en-
12 tering the territorial sea of such country, notify the au-
13 thorities of such country of his or her intention to deliver
14 such person and the reason therefor. If the master delivers
15 such person, the master shall furnish the authorities of
16 such country with the evidence in the master's possession
17 that pertains to the alleged offense.

18 “(e) DEFINITIONS.—In this section—

19 “‘covered ship’ means a ship that is navigating
20 or is scheduled to navigate into, through, or from
21 waters beyond the outer limit of the territorial sea
22 of a single country or a lateral limit of that coun-
23 try’s territorial sea with an adjacent country.

1 “‘national of the United States’ has the mean-
2 ing stated in section 101(a)(22) of the Immigration
3 and Nationality Act (8 U.S.C. 1101(a)(22)).

4 “‘ship’ means a vessel of any type whatsoever
5 not permanently attached to the seabed, including
6 dynamically supported craft, submersibles or any
7 other floating craft, but does not include a warship,
8 a ship owned or operated by a government when
9 being used as a naval auxiliary or for customs or po-
10 lice purposes, or a ship that has been withdrawn
11 from navigation or laid up.

12 “‘territorial sea of the United States’ means all
13 waters extending seaward to 12 nautical miles from
14 the baselines of the United States determined in ac-
15 cordance with international law.

16 “‘United States’, when used in a geographical
17 sense, includes the Commonwealth of Puerto Rico,
18 the Commonwealth of the Northern Marianas Is-
19 lands, and all territories and possessions of the
20 United States.

21 **“§ 2281. Violence against maritime fixed platforms**

22 “(a) OFFENSE.—Whoever unlawfully and inten-
23 tionally—

1 “(1) seizes or exercises control over a fixed
2 platform by force or threat thereof or any other
3 form of intimidation;

4 “(2) performs an act of violence against a per-
5 son on board a fixed platform if that act is likely to
6 endanger its safety;

7 “(3) destroys a fixed platform or causes dam-
8 age to it which is likely to endanger its safety;

9 “(4) places or causes to be placed on a fixed
10 platform, by any means whatsoever, a device or sub-
11 stance that is likely to destroy the fixed platform or
12 likely to endanger its safety;

13 “(5) injures or kills any person in connection
14 with the commission or attempted commission of an
15 offense described in paragraph (1), (2), (3), or (4);
16 or

17 “(6) attempts to do anything prohibited under
18 paragraphs (1), (2), (3), (4), or (5);

19 shall be fined under this title, imprisoned not more than
20 20 years, or both, and if death results to any person from
21 conduct prohibited by this subsection, shall be punished
22 by death or imprisoned for any term of years or for life.

23 “(b) THREATENED OFFENSE.—Whoever threatens to
24 do anything prohibited under subsection (a) (2) or (3),
25 with apparent determination and will to carry the threat

1 into execution, if the threatened act is likely to endanger
2 the safety of the fixed platform, shall be fined under this
3 title or imprisoned not more than 5 years, or both.

4 “(c) JURISDICTION.—There is jurisdiction over the
5 activity prohibited in subsections (a) and (b) if—

6 “(1) such activity is committed against or on
7 board a fixed platform—

8 “(A) that is located on the continental
9 shelf of the United States;

10 “(B) that is located on the continental
11 shelf of another country, by a national of the
12 United States or by a stateless person whose
13 habitual residence is in the United States; or

14 “(C) in an attempt to compel the United
15 States to do or abstain from doing any act;

16 “(2) during the commission of such activity
17 against or on board a fixed platform located on a
18 continental shelf, a national of the United States is
19 seized, threatened, injured or killed; or

20 “(3) such activity is committed against or on
21 board a fixed platform located outside the United
22 States and beyond the continental shelf of the United
23 States and the offender is later found in the
24 United States.

25 “(d) DEFINITIONS.—In this section—

1 “‘continental shelf’ means the seabed and sub-
2 soil of the submarine areas that extend beyond a
3 country’s territorial sea to the limits provided by
4 customary international law as reflected in Article
5 76 of the 1982 Convention on the Law of the Sea.

6 “‘fixed platform’ means an artificial island, in-
7 stallation or structure permanently attached to the
8 seabed for the purpose of exploration or exploitation
9 of resources or for other economic purposes.

10 “‘national of the United States’ has the mean-
11 ing stated in section 101(a)(22) of the Immigration
12 and Nationality Act (8 U.S.C. 1101(a)(22)).

13 “‘territorial sea of the United States’ means all
14 waters extending seaward to 12 nautical miles from
15 the baselines of the United States determined in ac-
16 cordance with international law.

17 “‘United States’, when used in a geographical
18 sense, includes the Commonwealth of Puerto Rico,
19 the Commonwealth of the Northern Marianas Is-
20 lands, and all territories and possessions of the
21 United States.”.

22 (b) TECHNICAL AMENDMENT.—The chapter analysis
23 for chapter 111 of title 18, United States Code, is amend-
24 ed by adding at the end the following new items:

“2280. Violence against maritime navigation.

“2281. Violence against maritime fixed platforms.”.

1 (c) EFFECTIVE DATES.—The amendments made by
2 this section shall take effect on the later of—

3 (1) the date of enactment of this Act; or

4 (2)(A) in the case of section 2280 of title 18,
5 United States Code, the date on which the Conven-
6 tion for the Suppression of Unlawful Acts Against
7 the Safety of Maritime Navigation has come into
8 force and the United States has become a party to
9 that Convention; and

10 (B) in the case of section 2281 of title 18,
11 United States Code, the date on which the Protocol
12 for the Suppression of Unlawful Acts Against the
13 Safety of Fixed Platforms Located on the Continen-
14 tal Shelf has come into force and the United States
15 has become a party to that Protocol.

16 **SEC. 630. TORTURE.**

17 (a) IN GENERAL.—Part I of title 18, United States
18 Code, is amended by inserting after chapter 113A the fol-
19 lowing new chapter:

20 **“CHAPTER 113B—TORTURE**

“Sec.

“2340. Definitions.

“2340A. Torture.

“2340B. Exclusive remedies.

21 **“§ 2340. Definitions**

22 “In this chapter—

1 “‘severe mental pain or suffering’ means the
2 prolonged mental harm caused by or resulting
3 from—

4 “(A) the intentional infliction or threat-
5 ened infliction of severe physical pain or suffer-
6 ing;

7 “(B) the administration or application, or
8 threatened administration or application, of
9 mind-altering substances or other procedures
10 calculated to disrupt profoundly the senses or
11 the personality;

12 “(C) the threat of imminent death; or

13 “(D) the threat that another person will
14 imminently be subjected to death, severe phys-
15 ical pain or suffering, or the administration or
16 application of mind-altering substances or other
17 procedures calculated to disrupt profoundly the
18 senses or personality.

19 “‘torture’ means an act committed by a person
20 acting under the color of law specifically intended to
21 inflict severe physical or mental pain or suffering
22 (other than pain or suffering incidental to lawful
23 sanctions) upon another person within his custody or
24 physical control.

1 “‘United States’ includes all areas under the
2 jurisdiction of the United States including any of the
3 places described in sections 5 and 7 of this title and
4 section 101(38) of the Federal Aviation Act of 1958
5 (49 U.S.C. App. 1301(38)).

6 **“§ 2340A. Torture**

7 “(a) OFFENSE.—Whoever outside the United States
8 commits or attempts to commit torture shall be fined
9 under this title or imprisoned not more than 20 years, or
10 both, and if death results to any person from conduct pro-
11 hibited by this subsection, shall be punished by death or
12 imprisoned for any term of years or for life.

13 “(b) JURISDICTION.—There is jurisdiction over the
14 activity prohibited in subsection (a) if—

15 “(1) the alleged offender is a national of the
16 United States; or

17 “(2) the alleged offender is present in the Unit-
18 ed States, irrespective of the nationality of the vic-
19 tim or the alleged offender.

20 **“§ 2340B. Exclusive remedies**

21 “Nothing in this chapter shall be construed as pre-
22 cluding the application of State or local laws on the same
23 subject, nor shall anything in this chapter be construed
24 as creating any substantive or procedural right enforceable
25 by law by any party in any civil proceeding.”.

1 (b) TECHNICAL AMENDMENT.—The part analysis for
 2 part I of title 18, United States Code, is amended by in-
 3 serting after the item relating to chapter 113A the follow-
 4 ing new item:

“113B. Torture 2340.”.

5 (c) EFFECTIVE DATE.—The amendments made by
 6 this section shall take effect on the later of—

7 (1) the date of enactment of this Act; or

8 (2) the date on which the United States has be-
 9 come a party to the Convention Against Torture and
 10 Other Cruel, Inhuman or Degrading Treatment or
 11 Punishment.

12 **SEC. 631. WEAPONS OF MASS DESTRUCTION.**

13 (a) FINDINGS.—The Congress finds that the use and
 14 threatened use of weapons of mass destruction (as defined
 15 in the amendment made by subsection (b)) gravely harm
 16 the national security and foreign relations interests of the
 17 United States, seriously affect interstate and foreign com-
 18 merce, and disturb the domestic tranquility of the United
 19 States.

20 (b) OFFENSE.—Chapter 113A of title 18, United
 21 States Code, is amended by adding at the end the follow-
 22 ing new section:

23 **“§ 2339. Use of weapons of mass destruction**

24 “(a) OFFENSE.—A person who uses, or attempts or
 25 conspires to use, a weapon of mass destruction—

1 “(1) against a national of the United States
2 while such national is outside of the United States;

3 “(2) against any person within the United
4 States; or

5 “(3) against any property that is owned, leased,
6 or used by the United States or by any department
7 or agency of the United States, whether the property
8 is within or outside the United States,
9 shall be imprisoned for any term of years or for life, and
10 if death results, shall be punished by death or imprisoned
11 for any term of years or for life.

12 “(b) DEFINITIONS.—In this section—

13 “‘national of the United States’ has the mean-
14 ing stated in section 101(a)(22) of the Immigration
15 and Nationality Act (8 U.S.C. 1101(a)(22)).

16 “‘weapon of mass destruction’ means—

17 “(A) a destructive device (as defined in
18 section 921);

19 “(B) poison gas;

20 “(C) a weapon involving a disease orga-
21 nism; and

22 “(D) a weapon that is designed to release
23 radiation or radioactivity at a level dangerous
24 to human life.”.

1 (c) TECHNICAL AMENDMENT.—The chapter analysis
2 for chapter 113A of title 18, United States Code, is
3 amended by adding at the end the following new item:

“2339. Use of weapons of mass destruction.”.

4 **SEC. 632. HOMICIDES AND ATTEMPTED HOMICIDES IN-**
5 **VOLVING FIREARMS IN FEDERAL FACILITIES.**

6 Section 930 of title 18, United States Code, is
7 amended—

8 (1) by redesignating subsections (c), (d), (e),
9 (f), and (g) as subsections (d), (e), (f), (g), and (h),
10 respectively;

11 (2) in subsection (a), by striking “(c)” and in-
12 serting “(d)”;

13 (3) by inserting after subsection (b) the follow-
14 ing new subsection:

15 “(c) Whoever kills or attempts to kill any person in
16 the course of a violation of subsection (a) or (b), or in
17 the course of an attack on a Federal facility involving the
18 use of a firearm or other dangerous weapon, shall—

19 “(1) in the case of a killing constituting murder
20 (as defined in section 1111(a)), be punished by
21 death or imprisoned for any term of years or for life;
22 and

23 “(2) in the case of any other killing or an at-
24 tempted killing, be subject to the penalties provided
25 for engaging in such conduct within the special mar-

1 itime and territorial jurisdiction of the United States
2 under sections 1112 and 1113.”.

3 **SEC. 633. DEATH PENALTY FOR CIVIL RIGHTS MURDERS.**

4 (a) CONSPIRACY AGAINST RIGHTS.—Section 241 of
5 title 18, United States Code, is amended by striking “shall
6 be subject to imprisonment for any term of years or for
7 life” and inserting “shall be punished by death or impris-
8 onment for any term of years or for life”.

9 (b) DEPRIVATION OF RIGHTS UNDER COLOR OF
10 LAW.—Section 242 of title 18, United States Code, is
11 amended by striking “shall be subject to imprisonment for
12 any term of years or for life” and inserting “shall be pun-
13 ished by death or imprisonment for any term of years or
14 for life”.

15 (c) FEDERALLY PROTECTED ACTIVITIES.—Section
16 245(b) of title 18, United States Code, is amended by
17 striking “shall be subject to imprisonment for any term
18 of years or for life” and inserting “shall be punished by
19 death or imprisonment for any term of years or for life”.

20 (d) DAMAGE TO RELIGIOUS PROPERTY; OBSTRUC-
21 TION OF THE FREE EXERCISE OF RELIGIOUS RIGHTS.—
22 Section 247(c)(1) of title 18, United States Code, is
23 amended by inserting “the death penalty or” before “im-
24 prisonment”.

1 **SEC. 634. DEATH PENALTY FOR MURDER OF FEDERAL WIT-**
2 **NESSES.**

3 Section 1512(a)(2)(A) of title 18, United States
4 Code, is amended to read as follows:

5 “(A) in the case of murder (as defined in sec-
6 tion 1111), the death penalty or imprisonment for
7 life, and in the case of any other killing, the punish-
8 ment provided in section 1112;”.

9 **SEC. 635. DRIVE-BY SHOOTINGS.**

10 (a) OFFENSE.—Chapter 44 of title 18, United States
11 Code, is amended by adding at the end the following new
12 section:

13 **“§ 931. Drive-by shootings**

14 “(a) OFFENSE.—Whoever knowingly discharges a
15 firearm at a person—

16 “(1) in the course of or in furtherance of drug
17 trafficking activity; or

18 “(2) from a motor vehicle,
19 shall be punished by imprisonment for not more than 25
20 years, and if death results shall be punished by death or
21 by imprisonment for any term of years or for life.

22 “(b) DEFINITION.—As used in this section, the term
23 ‘drug trafficking activity’ means a drug trafficking crime
24 (as defined in section 929(a)(2)), or a pattern or series
25 of acts involving one or more drug trafficking crimes.”.

1 (b) TECHNICAL AMENDMENT.—The chapter analysis
2 for chapter 44 of title 18, United States Code, is amended
3 by adding at the end the following new item:

“931. Drive-by shootings.”.

4 **SEC. 636. DEATH PENALTY FOR GUN MURDERS DURING**
5 **FEDERAL CRIMES OF VIOLENCE AND DRUG**
6 **TRAFFICKING CRIMES.**

7 Section 924 of title 18, United States Code, is
8 amended by adding at the end the following new sub-
9 section:

10 “(i) Whoever, in the course of a violation of sub-
11 section (c), causes the death of a person through the use
12 of a firearm, shall—

13 “(1) if the killing is a murder (as defined in
14 section 1111), be punished by death or by imprison-
15 ment for any term of years or for life; and

16 “(2) if the killing is manslaughter (as defined
17 in section 1112), be punished as provided in section
18 1112.”.

19 **SEC. 637. DEATH PENALTY FOR RAPE AND CHILD MOLES-**
20 **TATION MURDERS.**

21 (a) OFFENSE.—Chapter 109A of title 18, United
22 States Code, is amended—

23 (1) by redesignating section 2245 as section
24 2246; and

1 (2) by inserting after section 2244 the following
 2 new section:

3 **“§ 2245. Sexual abuse resulting in death**

4 “Whoever, in the course of an offense under this
 5 chapter, engages in conduct that results in the death of
 6 a person, shall be punished by death or imprisoned for
 7 any term of years or for life.”.

8 (b) TECHNICAL AMENDMENT.—The chapter analysis
 9 for chapter 109A of title 18, United States Code, is
 10 amended by striking the item relating to section 2245 and
 11 inserting the following:

“2245. Sexual abuse resulting in death.

“2246. Definitions for chapter.”.

12 **SEC. 638. PROTECTION OF JURORS AND WITNESSES IN**
 13 **CAPITAL CASES.**

14 Section 3432 of title 18, United States Code, is
 15 amended by striking the period and inserting: “, except
 16 that the list of the veniremen and witnesses need not be
 17 furnished if the court finds by a preponderance of the evi-
 18 dence that providing the list may jeopardize the life or
 19 safety of any person.”.

20 **SEC. 639. INAPPLICABILITY TO UNIFORM CODE OF MILI-**
 21 **TARY JUSTICE.**

22 The provisions of chapter 228 of title 18, United
 23 States Code, as added by this Act, shall not apply to pros-

1 ecutions under the Uniform Code of Military Justice (10
2 U.S.C. 801 et seq.).

3 **SEC. 640. DEATH PENALTY FOR CAUSING DEATH IN THE**
4 **SEXUAL EXPLOITATION OF CHILDREN.**

5 Section 2251(d) of title 18, United States Code, is
6 amended by adding at the end the following new sentence:
7 “Whoever, in the course of an offense under this section,
8 engages in conduct that results in the death of a person,
9 shall be punished by death or imprisoned for any term
10 of years or for life.”.

11 **SEC. 641. MURDER BY ESCAPED PRISONERS.**

12 (a) OFFENSE.—Chapter 51 of title 18, United States
13 Code, as amended by section 110, is amended by adding
14 at the end the following new section:

15 **“§ 1119. Murder by escaped prisoners**

16 “(a) OFFENSE.—A person who, having escaped from
17 a Federal prison where the person was confined under a
18 sentence for a term of life imprisonment, kills another per-
19 son, shall be punished as provided in sections 1111 and
20 1112.

21 “(b) DEFINITION.—As used in this section, the terms
22 ‘Federal prison’ and ‘term of life imprisonment’ have the
23 meanings stated in section 1118.”.

1 (b) TECHNICAL AMENDMENT.—The chapter analysis
2 for chapter 51 of title 18, United States Code, is amended
3 by adding at the end the following new item:

“1119. Murder by escaped prisoners.”.

4 **SEC. 642. DEATH PENALTY FOR MURDERS IN THE DISTRICT**
5 **OF COLUMBIA.**

6 (a) OFFENSE.—Chapter 51 of title 18, United States
7 Code, is amended by adding at the end the following new
8 section:

9 **“§ 1118. Capital punishment for murders in the Dis-**
10 **trict of Columbia**

11 “(a) OFFENSE.— It is an offense to cause the death
12 of a person intentionally, knowingly, or through reckless-
13 ness manifesting extreme indifference to human life, or
14 to cause the death of a person through the intentional in-
15 fliction of serious bodily injury.

16 “(b) FEDERAL JURISDICTION.—There is a federal ju-
17 risdiction over an offense described in this section if the
18 conduct resulting in death occurs in the District of Colum-
19 bia.

20 “(c) PENALTY.—An offense described in this section
21 is a Class A felony. A sentence of death may be imposed
22 for an offense described in this section as provided in sub-
23 sections (d), (e), (f), (g), (h), (i), (j), (k), and (l).

24 “(d) MITIGATING FACTORS.—In determining wheth-
25 er to recommend a sentence of death, the jury shall con-

1 sider whether any aspect of the defendant's character,
2 background, or record or any circumstance of the offense
3 that the defendant may proffer as a mitigating factor ex-
4 ists, including the following factors:

5 “(1) MENTAL CAPACITY.—The defendant's
6 mental capacity to appreciate the wrongfulness of
7 his conduct or to conform his conduct to the require-
8 ments of law was significantly impaired.

9 “(2) DURESS.—The defendant was under un-
10 usual and substantial duress.

11 “(3) PARTICIPATION IN OFFENSE MINOR.—The
12 defendant is punishable as a principal in an offense
13 committed by another person, but the defendant's
14 participation was relatively minor.

15 “(e) AGGRAVATING FACTORS.—In determining
16 whether to recommend a sentence of death, the jury shall
17 consider any aggravating factor for which notice has been
18 provided under subsection (f), including the following fac-
19 tors—

20 “(1) KILLING IN FURTHERANCE OF DRUG
21 TRAFFICKING.—The defendant engaged in the con-
22 duct resulting in death in the course of or in fur-
23 therance of drug trafficking activity.

24 “(2) KILLING IN THE COURSE OF OTHER SERI-
25 OUS VIOLENT CRIMES.—The defendant engaged in

1 the conduct resulting in death in the course of com-
2 mitting or attempting to commit an offense involving
3 robbery, burglary, sexual abuse, kidnaping, or arson.

4 “(3) MULTIPLE KILLINGS OR ENDANGERMENT
5 OF OTHERS.—The defendant committed more than
6 one offense under this section, or in committing the
7 offense knowingly created a grave risk of death to
8 one or more persons in addition to the victim of the
9 offense.

10 “(4) INVOLVEMENT OF FIREARM.—During and
11 in relation to the commission of the offense, the de-
12 fendant used or possessed a firearm as defined in
13 section 921.

14 “(5) PREVIOUS CONVICTION OF VIOLENT FEL-
15 ONY.—The defendant has previously been convicted
16 of an offense punishable by a term of imprisonment
17 of more than 1 year that involved the use or at-
18 tempted or threatened use of force against a person
19 or that involved sexual abuse.

20 (6) KILLING WHILE INCARCERATED OR UNDER
21 SUPERVISION.—The defendant at the time of the of-
22 fense was confined in or had escaped from a jail,
23 prison, or other correctional or detention facility,
24 was on pre-trial release, or was on probation, parole,

1 supervised release, or other post-conviction condi-
2 tional release.

3 “(7) HEINOUS, CRUEL, OR DEPRAVED MANNER
4 OF COMMISSION.—The defendant committed the of-
5 fense in an especially heinous, cruel, or depraved
6 manner in that it involved torture or serious physical
7 abuse to the victim.

8 “(8) PROCUREMENT OF THE OFFENSE BY PAY-
9 MENT.—The defendant procured the commission of
10 the offense by payment, or promise of payment, of
11 anything of pecuniary value.

12 “(9) COMMISSION OF THE OFFENSE FOR PECU-
13 NIARY GAIN.—The defendant committed the offense
14 as consideration for receiving, or in the expectation
15 of receiving or obtaining, anything of pecuniary
16 value.

17 “(10) SUBSTANTIAL PLANNING AND
18 PREMEDITATION.—The defendant committed the of-
19 fense after substantial planning and premeditation.

20 “(11) VULNERABILITY OF VICTIM.—The victim
21 was particularly vulnerable due to old age, youth, or
22 infirmity.

23 “(12) KILLING OF PUBLIC SERVANT.—The de-
24 fendant committed the offense against a public serv-
25 ant—

1 “(i) while such public servant was engaged
2 in the performance of his or her official duties;

3 “(ii) because of the performance of such
4 public servant’s official duties; or

5 “(iii) because of such public servant’s sta-
6 tus as a public servant.

7 “(13) KILLING TO INTERFERE WITH OR RE-
8 TALIATE AGAINST WITNESS.—The defendant com-
9 mitted the offense in order to prevent or inhibit any
10 person from testifying or providing information con-
11 cerning an offense, or to retaliate against any person
12 for testifying or providing such information.

13 “(f) NOTICE OF INTENT TO SEEK DEATH PEN-
14 ALTY.—If the government intends to seek the death pen-
15 alty for an offense under this section, the attorney for the
16 government shall file with the court and serve on the de-
17 fendant a notice of such intent. The notice shall be pro-
18 vided a reasonable time before the trial or acceptance of
19 a guilty plea, or at such later time as the court may permit
20 for good cause. The notice shall set forth the aggravating
21 factor or factors set forth in subsection (e) and any other
22 aggravating factor or factors that the government will seek
23 to prove as the basis for the death penalty. The factors
24 for which notice is provided under this subsection may in-
25 clude factors concerning the effect of the offense on the

1 victim and the victim's family. The court may permit the
2 attorney for the government to amend the notice upon a
3 showing of good cause.

4 “(g) JUDGE AND JURY AT CAPITAL SENTENCING
5 HEARING.—A hearing to determine whether the death
6 penalty will be imposed for an offense under this section
7 shall be conducted by the judge who presided at trial or
8 accepted a guilty plea, or by another judge if that judge
9 is not available. The hearing shall be conducted before the
10 jury that determined the defendant's guilt if that jury is
11 available. A new jury shall be impaneled for the purpose
12 of the hearing if the defendant pleaded guilty, the trial
13 of guilt was conducted without a jury, the jury that deter-
14 mined the defendant's guilt was discharged for good
15 cause, or reconsideration of the sentence is necessary after
16 the initial imposition of a sentence of death. A jury
17 impaneled under this subsection shall have twelve mem-
18 bers unless the parties stipulate to a lesser number at any
19 time before the conclusion of the hearing with the approval
20 of the judge. Upon motion of the defendant, with the ap-
21 proval of the attorney for the government, the hearing
22 shall be carried out before the judge without a jury. If
23 there is no jury, references to ‘the jury’ in this section,
24 where applicable, shall be understood as referring to the
25 judge.

1 “(h) PROOF OF MITIGATING AND AGGRAVATING
2 FACTORS.—No presentence report shall be prepared if a
3 capital sentencing hearing is held under this section. Any
4 information relevant to the existence of mitigating factors,
5 or to the existence of aggravating factors for which notice
6 has been provided under subsection (f), may be presented
7 by either the government or the defendant, regardless of
8 its admissibility under the rules governing the admission
9 of evidence at criminal trials, except that information may
10 be excluded if its probative value is outweighed by the dan-
11 ger of creating unfair prejudice, confusing the issues, or
12 misleading the jury. The information presented may in-
13 clude trial transcripts and exhibits. The attorney for the
14 government and for the defendant shall be permitted to
15 rebut any information received at the hearing, and shall
16 be given fair opportunity to present argument as to the
17 adequacy of the information to establish the existence of
18 any aggravating or mitigating factor, and as to the appro-
19 priateness in that case of imposing a sentence of death.
20 The attorney for the government shall open the argument,
21 the defendant shall be permitted to reply, and the govern-
22 ment shall then be permitted to reply in rebuttal.

23 “(i) FINDINGS OF AGGRAVATING AND MITIGATING
24 FACTORS.—The jury shall return special findings identify-
25 ing any aggravating factor or factors for which notice has

1 been provided under subsection (f) and which the jury
2 unanimously determines have been established by the gov-
3 ernment beyond a reasonable doubt. A mitigating factor
4 is established if the defendant has proven its existence by
5 a preponderance of the evidence, and any member of the
6 jury who finds the existence of such a factor may regard
7 it as established for purposes of this section regardless of
8 the number of jurors who concur that the factor has been
9 established.

10 “(j) FINDING CONCERNING A SENTENCE OF
11 DEATH.—If the jury specially finds under subsection (i)
12 that one or more aggravating factors set forth in sub-
13 section (e) exist, and the jury further finds unanimously
14 that there are no mitigating factors or that the aggravat-
15 ing factor or factors specially found under subsection (i)
16 outweigh any mitigating factors, then the jury shall rec-
17 ommend a sentence of death. In any other case, the jury
18 shall not recommend a sentence of death. The jury shall
19 be instructed that it must avoid any influence of sym-
20 pathy, sentiment, passion, prejudice, or other arbitrary
21 factors in its decision, and should make such a rec-
22 ommendation as the information warrants.

23 “(k) SPECIAL PRECAUTION TO ENSURE AGAINST
24 DISCRIMINATION.—In a hearing held before a jury, the
25 court, before the return of a finding under subsection (j),

1 shall instruct the jury that, in considering whether to rec-
2 ommend a sentence of death, it shall not consider the race,
3 color, religion, national origin, or sex of the defendant or
4 any victim, and that the jury is not to recommend a sen-
5 tence of death unless it has concluded that it would rec-
6 ommend a sentence of death for such a crime regardless
7 of the race, color, religion, national origin, or sex of the
8 defendant or any victim. The jury, upon the return of a
9 finding under subsection (j), shall also return to the court
10 a certificate, signed by each juror, that the race, color,
11 religion, national origin, or sex of the defendant or any
12 victim did not affect the juror's individual decision and
13 that the individual juror would have recommended the
14 same sentence for such a crime regardless of the race,
15 color, religion, national origin, or sex of the defendant or
16 any victim.

17 “(l) IMPOSITION OF A SENTENCE OF DEATH.—Upon
18 a recommendation under subsection (j) that a sentence of
19 death be imposed, the court shall sentence the defendant
20 to death. Otherwise the court shall impose a sentence,
21 other than death, authorized by law.

22 “(m) REVIEW OF A SENTENCE OF DEATH.—

23 “(1) The defendant may appeal a sentence of
24 death under this section by filing a notice of appeal
25 of the sentence within the time provided for filing a

1 notice of appeal of the judgment of conviction. An
2 appeal of a sentence under this subsection may be
3 consolidated within an appeal of the judgment of
4 conviction and shall have priority over all noncapital
5 matters in the court of appeals.

6 “(2) The court of appeals shall review the en-
7 tire record in the case including the evidence submit-
8 ted at trial and information submitted during the
9 sentencing hearing, the procedures employed in the
10 sentencing hearing, and the special findings returned
11 under subsection (i). The court of appeals shall up-
12 hold the sentence if it determines that the sentence
13 of death was not imposed under the influence of pas-
14 sion, prejudice, or any other arbitrary factor, that
15 the evidence and information support the special
16 findings under subsection (i), and that the proceed-
17 ings were otherwise free of prejudicial error that was
18 properly preserved for review.

19 “(3) In any other case, the court of appeals
20 shall remand the case for reconsideration of the sen-
21 tence or imposition of another authorized sentence
22 as appropriate, except that the court shall not re-
23 verse a sentence of death on the ground that an ag-
24 gravating factor was invalid or was not supported by
25 the evidence and information if at least one aggra-

1 vating factor described in subsection (e) remains
2 which was found to exist and the court, on the basis
3 of the evidence submitted at trial and the informa-
4 tion submitted at the sentencing hearing, finds that
5 the remaining aggravating factor or factors which
6 were found to exist outweigh any mitigating factors.
7 The court of appeals shall state in writing the rea-
8 sons for its disposition of an appeal of a sentence of
9 death under this section.

10 “(n) IMPLEMENTATION OF SENTENCE OF DEATH.—

11 A person sentenced to death under this section shall be
12 committed to the custody of the Attorney General until
13 exhaustion of the procedures for appeal of the judgment
14 of conviction and review of the sentence. When the sen-
15 tence is to be implemented, the Attorney General shall re-
16 lease the person sentenced to death to the custody of a
17 United States Marshal. The Marshal shall supervise im-
18 plementation of the sentence in the manner prescribed by
19 the law of a State designated by the court. The Marshal
20 may use State or local facilities, may use the services of
21 an appropriate State or local official or of a person such
22 an official employs, and shall pay the costs thereof in an
23 amount approved by the Attorney General.

1 “(o) SPECIAL BAR TO EXECUTION.—A sentence of
2 death shall not be carried out upon a woman while she
3 is pregnant.

4 “(p) CONSCIENTIOUS OBJECTION TO PARTICIPATION
5 IN EXECUTION.—No employee of any State department
6 of corrections, the United States Marshals Service, or the
7 Federal Bureau of Prisons, and no person providing serv-
8 ices to that department, service, or bureau under contract
9 shall be required, as a condition of that employment or
10 contractual obligation, to be in attendance at or to partici-
11 pate in any execution carried out under this section if such
12 participation is contrary to the moral or religious convic-
13 tions of the employee. For purposes of this subsection, the
14 term ‘participate in any execution’ includes personal prep-
15 aration of the condemned individual and the apparatus
16 used for the execution, and supervision of the activities
17 of other personnel in carrying out such activities.

18 “(q) APPOINTMENT OF COUNSEL FOR INDIGENT
19 CAPITAL DEFENDANTS.—A defendant against whom a
20 sentence of death is sought, or on whom a sentence of
21 death has been imposed, under this section, shall be enti-
22 tled to appointment of counsel from the commencement
23 of trial proceedings until one of the conditions specified
24 in subsection (v) has occurred, if the defendant is or be-
25 comes financially unable to obtain adequate representa-

1 tion. Counsel shall be appointed for trial representation
2 as provided in section 3005, and at least 1 counsel so ap-
3 pointed shall continue to represent the defendant until the
4 conclusion of direct review of the judgment, unless re-
5 placed by the court with other qualified counsel. Except
6 as otherwise provided in this section, the provisions of sec-
7 tion 3006A shall apply to appointments under this section.

8 “(r) REPRESENTATION AFTER FINALITY OF JUDG-
9 MENT.—When a judgment imposing a sentence of death
10 under this section has become final through affirmance by
11 the Supreme Court on direct review, denial of certiorari
12 by the Supreme Court on direct review, or expiration of
13 the time for seeking direct review in the court of appeals
14 or the Supreme Court, the government shall promptly no-
15 tify the court that imposed the sentence. The court, within
16 10 days of receipt of such notice, shall proceed to make
17 determination whether the defendant is eligible for ap-
18 pointment of counsel for subsequent proceedings. The
19 court shall issue an order appointing one or more counsel
20 to represent the defendant upon a finding that the defend-
21 ant is financially unable to obtain adequate representation
22 and wishes to have counsel appointed or is unable com-
23 petently to decide whether to accept or reject appointment
24 of counsel. The court shall issue an order denying appoint-
25 ment of counsel upon a finding that the defendant is fi-

1 nancially able to obtain adequate representation or that
2 the defendant rejected appointment of counsel with an un-
3 derstanding of the consequences of that decision. Counsel
4 appointed pursuant to this subsection shall be different
5 from the counsel who represented the defendant at trial
6 and on direct review unless the defendant and counsel re-
7 quest a continuation or renewal of the earlier representa-
8 tion.

9 “(s) STANDARDS FOR COMPETENCE OF COUNSEL.—
10 In relation to a defendant who is entitled to appointment
11 of counsel under subsections (q) and (r), at least 1 counsel
12 appointed for trial representation must have been admit-
13 ted to the bar for at least 5 years and have at least 3
14 years of experience in the trial of felony cases in the Fed-
15 eral district courts. If new counsel is appointed after judg-
16 ment, at least 1 counsel so appointed must have been ad-
17 mitted to the bar for at least 5 years and have at least
18 3 years of experience in the litigation of felony cases in
19 the Federal courts of appeals or the Supreme Court. The
20 court, for good cause, may appoint counsel who does not
21 meet these standards, but whose background, knowledge,
22 or experience would otherwise enable him or her to prop-
23 erly represent the defendant, with due consideration of the
24 seriousness of the penalty and the nature of the litigation.

1 “(t) CLAIMS OF INEFFECTIVENESS OF COUNSEL IN
2 COLLATERAL PROCEEDINGS.—The ineffectiveness or in-
3 competence of counsel during proceedings on a motion
4 under section 2255 of title 28 in a case under this section
5 shall not be a ground for relief from the judgment or sen-
6 tence in any proceeding. This limitation shall not preclude
7 the appointment of different counsel at any stage of the
8 proceedings.

9 “(u) TIME FOR COLLATERAL ATTACK ON DEATH
10 SENTENCE.—A motion under section 2255 of title 28 at-
11 tacking a sentence of death under this section, or the con-
12 viction on which it is predicated, must be filed within 90
13 days of the issuance of the order under subsection (r) ap-
14 pointing or denying the appointment of counsel for such
15 proceedings. The court in which the motion is filed, for
16 good cause shown, may extend the time for filing for a
17 period not exceeding 60 days. Such a motion shall have
18 priority over all noncapital matters in the district court,
19 and in the court of appeals on review of the district court’s
20 decision.

21 “(v) STAY OF EXECUTION.—The execution of a sen-
22 tence of death under this section shall be stayed in the
23 course of direct review of the judgment and during the
24 litigation of an initial motion in the case under section

1 2255 of title 28. The stay shall run continuously following
2 imposition of the sentence and shall expire if—

3 “(1) the defendant fails to file a motion under
4 section 2255 of title 28 within the time specified in
5 subsection (u), or fails to make a timely application
6 for court of appeals review following the denial of
7 such a motion by a district court;

8 “(2) upon completion of district court and court
9 of appeals review under section 2255 of title 28 the
10 Supreme Court disposes of a petition for certiorari
11 in a manner that leaves the capital sentence undis-
12 turbed, or the defendant fails to file a timely petition
13 for certiorari; or

14 “(3) before a district court, in the presence of
15 counsel and after having been advised of the con-
16 sequences of such a decision, the defendant waives
17 the right to file a motion under section 2255 of title
18 28.

19 “(w) FINALITY OF THE DECISION ON REVIEW.—If
20 one of the conditions specified in subsection (v) has oc-
21 curred, no court thereafter shall have the authority to
22 enter a stay of execution or grant relief in the case un-
23 less—

24 “(1) the basis for the stay and request for relief
25 is a claim not presented in earlier proceedings;

1 “(2) the failure to raise the claim is the result
2 of governmental action in violation of the Constitu-
3 tion or laws of the United States, the result of the
4 Supreme Court’s recognition of a new Federal right
5 that is retroactively applicable, or the result of the
6 fact that the factual predicate of the claim could not
7 have been discovered through the exercise of reason-
8 able diligence in time to present the claim in earlier
9 proceedings; and

10 “(3) the facts underlying the claim would be
11 sufficient, if proven, to undermine the court’s con-
12 fidence in the determination of guilt on the offense
13 or offenses for which the death penalty was imposed.

14 “(x) DEFINITIONS.—In this section—

15 “‘arson’ means damaging or destroying a build-
16 ing or structure through the use of fire or explosives.

17 “‘burglary’ means entering or remaining in a
18 building or structure in violation of the law of the
19 District of Columbia, another State, or the United
20 States, with the intent to commit an offense in the
21 building or structure.

22 “‘drug trafficking activity’ means a drug traf-
23 ficking crime (as defined in section 929(a)(2)) or a
24 pattern or series of acts involving 1 or more drug
25 trafficking crimes.

1 “‘kidnapping’ means seizing, confining, or ab-
2 ducting a person, or transporting a person without
3 his or her consent.

4 “‘offense’, as used in paragraphs (2), (5), and
5 (13) of subsection (e) and in this subsection, means
6 an offense under the law of the District of Columbia,
7 another State, or the United States.

8 “‘pre-trial release’, ‘probation’, ‘parole’, ‘super-
9 vised release’, and ‘other post-conviction conditional
10 release’, as used in subsection (e)(6), mean any such
11 release, imposed in relation to a charge or conviction
12 for an offense under the law of the District of Co-
13 lumbia, another State, or the United States.

14 “‘public servant’ means an employee, agent, of-
15 ficer, or official of the District of Columbia, another
16 State, or the United States, or an employee, agent,
17 officer, or official of a foreign government who is
18 within the scope of section 1116.

19 “‘robbery’ means obtaining the property of an-
20 other by force or threat of force.

21 “‘sexual abuse’ means any conduct proscribed
22 by chapter 109A, whether or not the conduct occurs
23 in the special maritime and territorial jurisdiction of
24 the United States.

1 “‘State’ has the meaning stated in section 513,
2 including the District of Columbia.

3 “(y) JOINDER OF CHARGES.—When an offense is
4 charged under this section, the government may join any
5 charge under the District of Columbia Code that arises
6 from the same incident.”.

7 (b) TECHNICAL AMENDMENT.—The chapter analysis
8 for chapter 51 of title 18, United States Code, is amended
9 by adding at the end the following new item:

“1118. Capital punishment for murders in the District of Columbia.”.

10 **Subtitle B—Equal Justice Act**

11 **SEC. 651. SHORT TITLE.**

12 This subtitle may be cited as the “Equal Justice
13 Act”.

14 **SEC. 652. PROHIBITION OF RACIALLY DISCRIMINATORY** 15 **POLICIES CONCERNING CAPITAL PUNISH-** 16 **MENT OR OTHER PENALTIES.**

17 (a) GENERAL RULE.—The penalty of death and all
18 other penalties shall be administered by the United States
19 and by every State without regard to the race or color
20 of the defendant or victim. Neither the United States nor
21 any State shall prescribe any racial quota or statistical
22 test for the imposition or execution of the death penalty
23 or any other penalty.

24 (b) DEFINITIONS.—For purposes of this subtitle—

1 (1) the action of the United States or of a State
2 includes the action of any legislative, judicial, execu-
3 tive, administrative, or other agency or instrumental-
4 ity of the United States or a State, or of any politi-
5 cal subdivision of the United States or a State;

6 (2) the term “State” has the meaning stated in
7 section 513 of title 18, United States Code; and

8 (3) the term “racial quota or statistical test”
9 includes any law, rule, presumption, goal, standard
10 for establishing a prima facie case, or mandatory or
11 permissive inference that—

12 (A) requires or authorizes the imposition
13 or execution of the death penalty or another
14 penalty so as to achieve a specified racial pro-
15 portion relating to offenders, convicts, defend-
16 ants, arrestees, or victims; or

17 (B) requires or authorizes the invalidation
18 of, or bars the execution of, sentences of death
19 or other penalties based on the failure of a ju-
20 risdiction to achieve a specified racial propor-
21 tion relating to offenders, convicts, defendants,
22 arrestees, or victims in the imposition or execu-
23 tion of such sentences or penalties.

1 **SEC. 653. GENERAL SAFEGUARDS AGAINST RACIAL PREJU-**
2 **DICE OR BIAS IN THE TRIBUNAL.**

3 In a criminal trial in a court of the United States,
4 or of any State—

5 (1) on motion of the defense attorney or pros-
6 ecutor, the risk of racial prejudice or bias shall be
7 examined on voir dire if there is a substantial likeli-
8 hood in the circumstances of the case that such prej-
9 udice or bias will affect the jury either against or in
10 favor of the defendant;

11 (2) on motion of the defense attorney or pros-
12 ecutor, a change of venue shall be granted if an im-
13 partial jury cannot be obtained in the original venue
14 because of racial prejudice or bias; and

15 (3) neither the prosecutor nor the defense at-
16 torney shall make any appeal to racial prejudice or
17 bias in statements before the jury.

18 **SEC. 654. FEDERAL CAPITAL CASES.**

19 (a) JURY INSTRUCTIONS AND CERTIFICATION.—In a
20 prosecution for an offense against the United States in
21 which a sentence of death is sought, and in which the cap-
22 ital sentencing determination is to be made by a jury, the
23 judge shall instruct the jury that it is not to be influenced
24 by prejudice or bias relating to the race or color of the
25 defendant or victim in considering whether a sentence of
26 death is justified, and that the jury is not to recommend

1 the imposition of a sentence of death unless it has con-
2 cluded that it would recommend the same sentence for
3 such a crime regardless of the race or color of the defend-
4 ant or victim. Upon the return of a recommendation of
5 a sentence of death, the jury shall also return a certificate,
6 signed by each juror, that the juror's individual decision
7 was not affected by prejudice or bias relating to the race
8 or color of the defendant or victim, and that the individual
9 juror would have made the same recommendation regard-
10 less of the race or color of the defendant or victim.

11 (b) RACIALLY MOTIVATED KILLINGS.—In a prosecu-
12 tion for an offense against the United States for which
13 a sentence of death is authorized, the fact that the killing
14 of the victim was motivated by racial prejudice or bias
15 shall be deemed an aggravating factor whose existence
16 permits consideration of the death penalty, in addition to
17 any other aggravating factors that may be specified by law
18 as permitting consideration of the death penalty.

19 **SEC. 655. EXTENSION OF PROTECTION OF CIVIL RIGHTS**
20 **STATUTES.**

21 (a) SECTION 241.—Section 241 of title 18, United
22 States Code, is amended by striking “inhabitant of” and
23 inserting “person in”.

24 (b) SECTION 242.—Section 242 of title 18, United
25 States Code, is amended by striking “inhabitant of” and

1 inserting “person in”, and by striking “such inhabitant”
 2 and inserting “such person”.

3 **Subtitle C—Enhanced Penalties for**
 4 **Criminal Use of Firearms and**
 5 **Explosives**

6 **SEC. 661. SMUGGLING FIREARMS IN AID OF DRUG TRAF-**
 7 **FICKING.**

8 Section 924 of title 18, United States Code, as
 9 amended by section 136, is amended by adding at the end
 10 the following new subsection:

11 “(j) Whoever, with the intent to engage in or to pro-
 12 mote conduct that—

13 “(1) is punishable under the Controlled Sub-
 14 stances Act (21 U.S.C. 801 et seq.), the Controlled
 15 Substances Import and Export Act (21 U.S.C. 951
 16 et seq.), or the Maritime Drug Law Enforcement
 17 Act (46 U.S.C. App. 1901 et seq.);

18 “(2) violates any law of a State relating to any
 19 controlled substance (as defined in section 102 of
 20 the Controlled Substances Act (21 U.S.C. 802)); or

21 “(3) constitutes a crime of violence (as defined
 22 in subsection (c)(3) of this section),

23 smuggles or knowingly brings into the United States a
 24 firearm, or attempts to do so, shall be imprisoned not
 25 more than 10 years, fined under this title, or both.”.

1 **SEC. 662. PROHIBITION AGAINST THEFT OF FIREARMS OR**
2 **EXPLOSIVES.**

3 (a) FIREARMS.—Section 924 of title 18, United
4 States Code, is amended by adding at the end the follow-
5 ing new subsection:

6 “(j) Whoever steals any firearm which is moving as,
7 or is a part of, or which has moved in, interstate or foreign
8 commerce shall be imprisoned not more than 10 years,
9 fined in accordance with this title, or both.”.

10 (b) EXPLOSIVES.—Section 844 of title 18, United
11 States Code, is amended by adding at the end the follow-
12 ing new subsection:

13 “(j) Whoever steals any explosive materials which are
14 moving as, or are a part of, or which have moved in, inter-
15 state or foreign commerce shall be imprisoned not more
16 than 10 years, fined in accordance with this title, or
17 both.”.

18 **SEC. 663. INCREASED PENALTY FOR KNOWINGLY FALSE,**
19 **MATERIAL STATEMENT IN CONNECTION**
20 **WITH THE ACQUISITION OF A FIREARM FROM**
21 **A LICENSED DEALER.**

22 Section 924(a) of title 18, United States Code, is
23 amended—

24 (1) in paragraph (1)(B) by striking “(a)(6),”;
25 and

1 (2) in paragraph (2) by inserting “(a)(6),”
2 after “subsection”.

3 **SEC. 664. SUMMARY DESTRUCTION OF EXPLOSIVES SUB-**
4 **JECT TO FORFEITURE.**

5 Section 844(c) of title 18, United States Code, is
6 amended—

7 (1) by inserting “(1)” before “Any”; and

8 (2) by adding at the end the following new
9 paragraphs:

10 “(2) Notwithstanding paragraph (1), in the case of
11 the seizure of any explosive materials for any offense for
12 which the materials would be subject to forfeiture where
13 it is impracticable or unsafe to remove the materials to
14 a place of storage, or where it is unsafe to store them,
15 the seizing officer may destroy the explosive materials
16 forthwith. Any destruction under this paragraph shall be
17 in the presence of at least one credible witness. The seizing
18 officer shall make a report of the seizure and take samples
19 as the Secretary may by regulation prescribe.

20 “(3) Within 60 days after any destruction made pur-
21 suant to paragraph (2), the owner of, including any person
22 having an interest in, the property so destroyed may make
23 application to the Secretary for reimbursement of the
24 value of the property. If the claimant establishes to the
25 satisfaction of the Secretary that—

1 “(A) the property has not been used or involved
2 in a violation of law; or

3 “(B) any unlawful involvement or use of the
4 property was without the claimant’s knowledge, con-
5 sent, or willful blindness,

6 the Secretary shall make an allowance to the claimant not
7 exceeding the value of the property destroyed.”.

8 **SEC. 665. ELIMINATION OF OUTMODED LANGUAGE RELAT-**
9 **ING TO PAROLE.**

10 Section 924 of title 18, United States Code, is
11 amended—

12 (1) in subsection (c)(1) by striking “No person
13 sentenced under this subsection shall be eligible for
14 parole during the term of imprisonment imposed
15 herein.”; and

16 (2) in subsection (e)(1) by striking “, and such
17 person shall not be eligible for parole with respect to
18 the sentence imposed under this subsection”.

19 **SEC. 666. RECEIPT OF FIREARMS BY NONRESIDENT.**

20 Section 922(a) of title 18, United States Code, is
21 amended—

22 (1) in paragraph (7)(C) by striking “and”;

23 (2) in paragraph (8)(C) by striking the period
24 and inserting “; and”; and

1 (3) by adding at the end the following new
2 paragraph:

3 “(9) for any person, other than a licensed im-
4 porter, licensed manufacturer, licensed dealer, or li-
5 censed collector, who does not reside in any State to
6 receive any firearms unless such receipt is for lawful
7 sporting purposes.”.

8 **SEC. 667. PROHIBITION OF THEFT OF FIREARMS OR EXPLO-**
9 **SIVES FROM LICENSEE.**

10 (a) FIREARMS.—Section 924 of title 18, United
11 States Code, as amended by section 402(a), is amended
12 by adding at the end the following new subsection:

13 “(k) Whoever steals any firearm from a licensed im-
14 porter, licensed manufacturer, licensed dealer, or licensed
15 collector shall be fined in accordance with this title, im-
16 prisoned not more than 10 years, or both.”.

17 (b) EXPLOSIVES.—Section 844 of title 18, United
18 States Code, as amended by section 402(b), is amended
19 by adding at the end the following new subsection:

20 “(k) Whoever steals any explosive material from a li-
21 censed importer, licensed manufacturer, licensed dealer, or
22 permittee shall be fined in accordance with this title, im-
23 prisoned not more than 10 years, or both.”.

1 **SEC. 668. INCREASED PENALTY FOR INTERSTATE GUN**
2 **TRAFFICKING.**

3 Section 924 of title 18, United States Code, as
4 amended by section 407(a), is amended by adding at the
5 end the following new subsection:

6 “(l) Whoever, with the intent to engage in conduct
7 that constitutes a violation of section 922(a)(1)(A), travels
8 from any State or foreign country into any other State
9 and acquires, or attempts to acquire, a firearm in such
10 other State in furtherance of such purpose shall be impris-
11 oned for not more than 10 years.”.

12 **SEC. 669. PROHIBITION OF TRANSACTIONS INVOLVING**
13 **STOLEN FIREARMS WHICH HAVE MOVED IN**
14 **INTERSTATE OR FOREIGN COMMERCE.**

15 Section 922(j) of title 18, United States Code, is
16 amended to read as follows:

17 “(j) It shall be unlawful for any person to receive,
18 possess, conceal, store, barter, sell, or dispose of any stolen
19 firearm or stolen ammunition, or pledge or accept as secu-
20 rity for a loan any stolen firearm or stolen ammunition,
21 which is moving as, which is a part of, which constitutes,
22 or which has been shipped or transported in, interstate
23 or foreign commerce, either before or after it was stolen,
24 knowing or having reasonable cause to believe that the
25 firearm or ammunition was stolen.”.

1 **SEC. 670. POSSESSION OF EXPLOSIVES BY FELONS AND**
2 **OTHERS.**

3 Section 842(i) of title 18, United States Code, is
4 amended by inserting “or possess” after “to receive”.

5 **SEC. 671. DISPOSITION OF FORFEITED FIREARMS.**

6 Subsection 5872(b) of the Internal Revenue Code of
7 1986 is amended to read as follows:

8 “(b) DISPOSAL.—In the case of the forfeiture of any
9 firearm, where there is no remission or mitigation of for-
10 feiture thereof—

11 “(1) the Secretary may retain the firearm for
12 official use of the Department of the Treasury or, if
13 not so retained, offer to transfer the weapon without
14 charge to any other executive department or inde-
15 pendent establishment of the Government for official
16 use by it and, if the offer is accepted, so transfer the
17 firearm;

18 “(2) if the firearm is not disposed of pursuant
19 to paragraph (1), is a firearm other than a machine-
20 gun or firearm forfeited for a violation of this chap-
21 ter, is a firearm that in the opinion of the Secretary
22 is not so defective that its disposition pursuant to
23 this paragraph would create an unreasonable risk of
24 a malfunction likely to result in death or bodily in-
25 jury, and is a firearm which (in the judgment of the
26 Secretary, taking into consideration evidence of

1 present value and evidence that like firearms are not
2 available except as collector's items, or that the
3 value of like firearms available in ordinary commer-
4 cial channels is substantially less) derives a substan-
5 tial part of its monetary value from the fact that it
6 is novel or rare or because of its association with
7 some historical figure, period, or event, the Sec-
8 retary may sell the firearm, after public notice, at
9 public sale to a dealer licensed under chapter 44 of
10 title 18, United States Code;

11 “(3) if the firearm has not been disposed or
12 pursuant to paragraph (1) or (2), the Secretary
13 shall transfer the firearm to the Administrator of
14 General Services, who shall destroy or provide for
15 the destruction of such firearm; and

16 “(4) no decision or action of the Secretary pur-
17 suant to this subsection shall be subject to judicial
18 review.”.

19 **SEC. 672. DEFINITION OF BURGLARY UNDER THE ARMED**
20 **CAREER CRIMINAL STATUTE.**

21 Section 924(e)(2) of title 18, United States Code, is
22 amended—

23 (1) by striking “and” at the end of subpara-
24 graph (B);

1 (2) by striking the period at the end of sub-
 2 paragraph (C) and inserting “; and”; and

3 (3) by adding at the end the following new sub-
 4 paragraph:

5 “(D) the term ‘burglary’ means a crime that—

6 “(i) consists of entering or remaining sur-
 7 reptitiously within a building that is the prop-
 8 erty of another person with intent to engage in
 9 conduct constituting a Federal or State offense;
 10 and

11 “(ii) is punishable by a term of imprison-
 12 ment exceeding 1 year.”.

13 **Subtitle D—Exclusionary Rule**

14 **SEC. 681. ADMISSIBILITY OF CERTAIN EVIDENCE.**

15 (a) IN GENERAL.—Chapter 223 of title 18, United
 16 States Code, is amended by adding at the end the follow-
 17 ing new section:

18 **“§ 3509. Admissibility of evidence obtained by search** 19 **or seizure**

20 “(a) EVIDENCE OBTAINED BY OBJECTIVELY REA-
 21 SONABLE SEARCH OR SEIZURE.—Evidence that is ob-
 22 tained as a result of a search or seizure shall not be ex-
 23 cluded in a proceeding in a court of the United States
 24 on the ground that the search or seizure was in violation
 25 of the fourth amendment to the Constitution of the United

1 States, if the search or seizure was carried out in cir-
 2 cumstances justifying an objectively reasonable belief that
 3 it was in conformity with the fourth amendment. The fact
 4 that evidence was obtained pursuant to and within the
 5 scope of a warrant constitutes prima facie evidence of the
 6 existence of such circumstances.

7 “(b) EVIDENCE NOT EXCLUDABLE BY STATUTE OR
 8 RULE.—Evidence shall not be excluded in a proceeding
 9 in a court of the United States on the ground that it was
 10 obtained in violation of a statute, an administrative rule
 11 or regulation, or a rule of procedure unless exclusion is
 12 expressly authorized by statute or by a rule prescribed by
 13 the Supreme Court pursuant to statutory authority.

14 “(c) RULE OF CONSTRUCTION.—This section shall
 15 not be construed to require or authorize the exclusion of
 16 evidence in any proceeding.”.

17 (b) TECHNICAL AMENDMENT.—The chapter analysis
 18 for chapter 223 of title 28, United States Code, is amend-
 19 ed by adding at the end the following new item:

“3509. Admissibility of evidence obtained by search or seizure.”.

20 **Subtitle E—Pre-Trial Interrogation**

21 **SEC. 691. PRE-TRIAL INTERROGATION.**

22 It is the sense of the Congress that the Attorney Gen-
 23 eral shall instruct all United States Attorneys, and imple-
 24 ment policies consistent therewith, that confessions ob-

1 tained in conformity with section 3501 of title 18, United
2 States Code will be offered into evidence.

3 **TITLE VII—ELIMINATION OF**
4 **DELAYS IN CARRYING OUT**
5 **SENTENCES**

6 **Subtitle A—General Habeas Corpus**
7 **Reform**

8 **SEC. 701. SHORT TITLE.**

9 This title may be cited as the “Habeas Corpus Re-
10 form Act of 1993”.

11 **SEC. 702. PERIOD OF LIMITATION.**

12 Section 2244 of title 28, United States Code, is
13 amended by adding at the end the following new sub-
14 section:

15 “(d) A one-year period of limitation shall apply to an
16 application for a writ of habeas corpus by a person in cus-
17 tody pursuant to the judgment of a State court. The limi-
18 tation period shall run from the latest of—

19 “(1) the time at which State remedies are ex-
20 hausted;

21 “(2) the time at which the impediment to filing
22 an application created by State action in violation of
23 the Constitution or laws of the United States is re-
24 moved, where the applicant was prevented from fil-
25 ing by such State action;

1 “(3) the time at which the Federal right as-
2 serted was initially recognized by the Supreme
3 Court, where the right has been newly recognized by
4 the Court and is retroactively applicable; or

5 “(4) the time at which the factual predicate of
6 the claim or claims presented could have been dis-
7 covered through the exercise of reasonable dili-
8 gence.”.

9 **SEC. 703. APPEAL.**

10 Section 2253 of title 28, United States Code, is
11 amended to read as follows:

12 **“§ 2253. Appeal**

13 “‘In a habeas corpus proceeding or a proceeding
14 under section 2255 before a circuit or district judge, the
15 final order shall be subject to review, on appeal, by the
16 court of appeals for the circuit where the proceeding is
17 had.

18 “‘There shall be no right of appeal from such an order
19 in a proceeding to test the validity of a warrant to remove,
20 to another district or place for commitment or trial, a per-
21 son charged with a criminal offense against the United
22 States, or to test the validity of his detention pending re-
23 moval proceedings.

24 “‘An appeal may not be taken to the court of appeals
25 from the final order in a habeas corpus proceeding where

1 the detention complained of arises out of process issued
 2 by a State court, or from the final order in a proceeding
 3 under section 2255, unless a circuit justice or judge issues
 4 a certificate of probable cause.”.

5 **SEC. 704. AMENDMENT OF FEDERAL RULES OF APPELLATE**
 6 **PROCEDURE.**

7 Rule 22 of the Federal Rules of Appellate Procedure
 8 is amended to read as follows:

9 **“Rule 22. Habeas corpus and section 2255 proceed-**
 10 **ings**

11 “(a) APPLICATION FOR AN ORIGINAL WRIT OF HA-
 12 BEAS CORPUS.—An application for a writ of habeas cor-
 13 pus shall be made to the appropriate district court. If ap-
 14 plication is made to a circuit judge, the application will
 15 ordinarily be transferred to the appropriate district court.
 16 If an application is made to or transferred to the district
 17 court and denied, renewal of the application before a cir-
 18 cuit judge is not favored; the proper remedy is by appeal
 19 to the court of appeals from the order of the district court
 20 denying the writ.

21 “(b) NECESSITY OF CERTIFICATE OF PROBABLE
 22 CAUSE FOR APPEAL.—In a habeas corpus proceeding in
 23 which the detention complained of arises out of process
 24 issued by a State court, and in a motion proceeding pursu-
 25 ant to section 2255 of title 28, United States Code, an

1 appeal by the applicant or movant may not proceed unless
2 a circuit judge issues a certificate of probable cause. If
3 a request for a certificate of probable cause is addressed
4 to the court of appeals, it shall be deemed addressed to
5 the judges thereof and shall be considered by a circuit
6 judge or judges as the court deems appropriate. If no ex-
7 press request for a certificate is filed, the notice of appeal
8 shall be deemed to constitute a request addressed to the
9 judges of the court of appeals. If an appeal is taken by
10 a State or the Government or its representative, a certifi-
11 cate of probable cause is not required.”.

12 **SEC. 705. SECTION 2254 AMENDMENTS.**

13 Section 2254 of title 28, United States Code, is
14 amended—

15 (1) by amending subsection (b) to read as fol-
16 lows:

17 “(b) An application for a writ of habeas corpus in
18 behalf of a person in custody pursuant to the judgment
19 of a State court shall not be granted unless it appears
20 that the applicant has exhausted the remedies available
21 in the courts of the State, or that there is either an ab-
22 sence of available State corrective process or the existence
23 of circumstances rendering such process ineffective to pro-
24 tect the rights of the applicant. An application may be
25 denied on the merits notwithstanding the failure of the

1 applicant to exhaust the remedies available in the courts
2 of the State.”;

3 (2) by redesignating subsections (d), (e), and
4 (f) as subsections (e), (f), and (g), respectively;

5 (3) by inserting after subsection (c) the follow-
6 ing new subsection:

7 “(d) An application for a writ of habeas corpus in
8 behalf of a person in custody pursuant to the judgment
9 of a State court shall not be granted with respect to any
10 claim that has been fully and fairly adjudicated in State
11 proceedings.”;

12 (4) by amending subsection (e), as redesignated
13 by paragraph (2), to read as follows:

14 “(e) In a proceeding instituted by an application for
15 a writ of habeas corpus by a person in custody pursuant
16 to the judgment of a State court, a full and fair deter-
17 mination of a factual issue made in the case by a State
18 court shall be presumed to be correct. The applicant shall
19 have the burden of rebutting this presumption by clear
20 and convincing evidence.”; and

21 (5) by adding at the end the following new sub-
22 section:

23 “(h) In all proceedings brought under this section,
24 and any subsequent proceedings on review, appointment
25 of counsel for a petitioner who is or becomes financially

1 unable to afford counsel shall be in the discretion of the
2 court, except as provided by a rule promulgated by the
3 Supreme Court pursuant to statutory authority. Appoint-
4 ment of counsel under this section shall be governed by
5 section 3006A of title 18, United States Code.”.

6 **SEC. 706. SECTION 2255 AMENDMENTS.**

7 Section 2255 of title 28, United States Code, is
8 amended—

9 (1) by striking the second paragraph and the
10 penultimate paragraph; and

11 (2) by adding at the end the following new
12 paragraphs:

13 “A two-year period of limitation shall apply to a mo-
14 tion under this section. The limitation period shall run
15 from the latest of—

16 “(1) the time at which the judgment of convic-
17 tion becomes final;

18 “(2) the time at which the impediment to mak-
19 ing a motion created by governmental action in vio-
20 lation of the Constitution or laws of the United
21 States is removed, where the movant was prevented
22 from making a motion by such governmental action;

23 “(3) the time at which the right asserted was
24 initially recognized by the Supreme Court, where the

1 right has been newly recognized by the Court and is
 2 retroactively applicable; or

3 “(4) the time at which the factual predicate of
 4 the claim or claims presented could have been dis-
 5 covered through the exercise of reasonable diligence.

6 “In all proceedings brought under this section, and
 7 any subsequent proceedings on review, appointment of
 8 counsel for a movant who is or becomes financially unable
 9 to afford counsel shall be in the discretion of the court,
 10 except as provided by a rule promulgated by the Supreme
 11 Court pursuant to statutory authority. Appointment of
 12 counsel under this section shall be governed by section
 13 3006A of title 18, United States Code.”.

14 **Subtitle B—Death Penalty** 15 **Litigation Procedures**

16 **SEC. 711. SHORT TITLE.**

17 This subtitle may be cited as the “Death Penalty
 18 Litigation Procedures Act of 1993”.

19 **SEC. 712. DEATH PENALTY LITIGATION PROCEDURES.**

20 (a) ADDITION OF CHAPTER TO TITLE 28, UNITED
 21 STATES CODE.—Title 28, United States Code, is amended
 22 by inserting after chapter 153 the following new chapter:

23 **“CHAPTER 154—SPECIAL HABEAS CORPUS** 24 **PROCEDURES IN CAPITAL CASES**

“Sec.

“2256. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment.

“2257. Mandatory stay of execution; duration; limits on stays of execution; successive petitions.

“2258. Filing of habeas corpus petition; time requirements; tolling rules.

“2259. Evidentiary hearings; scope of Federal review; district court adjudication.

“2260. Certificate of probable cause inapplicable.

“2261. Application to state unitary review procedures.

“2262. Limitation periods for determining petitions.

“2263. Rule of construction.

1 **“§ 2256. Prisoners in State custody subject to capital**
 2 **sentence; appointment of counsel; re-**
 3 **quirement of rule of court or statute; pro-**
 4 **cedures for appointment**

5 “(a) APPLICATION OF CHAPTER.—This chapter shall
 6 apply to cases arising under section 2254 brought by pris-
 7 oners in State custody who are subject to a capital sen-
 8 tence. It shall apply only if the provisions of subsections
 9 (b) and (c) are satisfied.

10 “(b) ESTABLISHMENT OF APPOINTMENT MECHA-
 11 NISM.—This chapter is applicable if a State establishes by
 12 rule of its court of last resort or by statute a mechanism
 13 for the appointment, compensation and payment of rea-
 14 sonable litigation expenses of competent counsel in State
 15 postconviction proceedings brought by indigent prisoners
 16 whose capital convictions and sentences have been upheld
 17 on direct appeal to the court of last resort in the State
 18 or have otherwise become final for State law purposes. The
 19 rule of court or statute must provide standards of com-
 20 petency for the appointment of such counsel.

1 “(c) OFFER OF COUNSEL.—Any mechanism for the
2 appointment, compensation and reimbursement of counsel
3 as provided in subsection (b) must offer counsel to all
4 State prisoners under capital sentence and must provide
5 for the entry of an order by a court of record—

6 “(1) appointing 1 or more counsel to represent
7 the prisoner upon a finding that the prisoner is indi-
8 gent and accepted the offer or is unable competently
9 to decide whether to accept or reject the offer;

10 “(2) finding, after a hearing if necessary, that
11 the prisoner rejected the offer of counsel and made
12 the decision with an understanding of its legal con-
13 sequences; or

14 “(3) denying the appointment of counsel upon
15 a finding that the prisoner is not indigent.

16 “(d) PREVIOUS REPRESENTATION.—No counsel ap-
17 pointed pursuant to subsections (b) and (c) to represent
18 a State prisoner under capital sentence shall have pre-
19 viously represented the prisoner at trial or on direct appeal
20 in the case for which the appointment is made unless the
21 prisoner and counsel expressly request continued represen-
22 tation.

23 “(e) NO GROUND FOR RELIEF.—The ineffectiveness
24 or incompetence of counsel during State or Federal collat-
25 eral postconviction proceedings in a capital case shall not

1 be a ground for relief in a proceeding arising under section
 2 2254. This limitation shall not preclude the appointment
 3 of different counsel, on the court's own motion or at the
 4 request of the prisoner, at any phase of State or Federal
 5 postconviction proceedings on the basis of the ineffective-
 6 ness or incompetence of counsel in such proceedings.

7 **“§ 2257. Mandatory stay of execution; duration; limits**
 8 **on stays of execution; successive peti-**
 9 **tions**

10 “(a) STAY.—Upon the entry in the appropriate State
 11 court of record of an order under section 2256(c), a war-
 12 rant or order setting an execution date for a State pris-
 13 oner shall be stayed upon application to any court that
 14 would have jurisdiction over any proceedings filed under
 15 section 2254. The application must recite that the State
 16 has invoked the postconviction review procedures of this
 17 chapter and that the scheduled execution is subject to
 18 stay.

19 “(b) EXPIRATION OF STAY.—A stay of execution
 20 granted pursuant to subsection (a) shall expire if—

21 “(1) a State prisoner fails to file a habeas cor-
 22 pus petition under section 2254 within the time re-
 23 quired in section 2258, or fails to make a timely ap-
 24 plication for court of appeals review following the de-
 25 nial of such a petition by a district court;

1 “(2) upon completion of district court and court
2 of appeals review under section 2254 the petition for
3 relief is denied and—

4 “(A) the time for filing a petition for cer-
5 tiorari has expired and no petition has been
6 filed;

7 “(B) a timely petition for certiorari was
8 filed and the Supreme Court denied the peti-
9 tion; or

10 “(C) a timely petition for certiorari was
11 filed and upon consideration of the case, the
12 Supreme Court disposed of it in a manner that
13 left the capital sentence undisturbed; or

14 “(3) before a court of competent jurisdiction, in
15 the presence of counsel and after having been ad-
16 vised of the consequences of his decision, a State
17 prisoner under capital sentence waives the right to
18 pursue habeas corpus review under section 2254.

19 “(c) LIMITATION ON FURTHER STAY.—If one of the
20 conditions in subsection (b) has occurred, no Federal court
21 thereafter shall have the authority to enter a stay of execu-
22 tion or grant relief in a capital case unless—

23 “(1) the basis for the stay and request for relief
24 is a claim not previously presented in the State or
25 Federal courts;

1 “(2) the failure to raise the claim is—

2 “(A) the result of State action in violation
3 of the Constitution or laws of the United
4 States;

5 “(B) the result of the Supreme Court rec-
6 ognition of a new Federal right that is retro-
7 actively applicable; or

8 “(C) based on a factual predicate that
9 could not have been discovered through the ex-
10 ercise of reasonable diligence in time to present
11 the claim for State or Federal postconviction
12 review; and

13 “(3) the facts underlying the claim would be
14 sufficient, if proven, to undermine the court’s con-
15 fidence in the determination of guilt on the offense
16 or offenses for which the death penalty was imposed.

17 **“§ 2258. Filing of habeas corpus petition; time re-**
18 **quirements; tolling rules**

19 “Any petition for habeas corpus relief under section
20 2254 must be filed in the appropriate district court within
21 180 days from the filing in the appropriate State court
22 of record of an order under section 2256(c). The time re-
23 quirements established by this section shall be tolled—

24 “(1) from the date that a petition for certiorari
25 is filed in the Supreme Court until the date of final

1 disposition of the petition if a State prisoner files
2 the petition to secure review by the Supreme Court
3 of the affirmance of a capital sentence on direct re-
4 view by the court of last resort of the State or other
5 final State court decision on direct review;

6 “(2) during any period in which a State pris-
7 oner under capital sentence has a properly filed re-
8 quest for postconviction review pending before a
9 State court of competent jurisdiction; if all State fil-
10 ing rules are met in a timely manner, this period
11 shall run continuously from the date that the State
12 prisoner initially files for postconviction review until
13 final disposition of the case by the highest court of
14 the State, but the time requirements established by
15 this section are not tolled during the pendency of a
16 petition for certiorari before the Supreme Court ex-
17 cept as provided in paragraph (1); and

18 “(3) during an additional period not to exceed
19 60 days, if—

20 “(A) a motion for an extension of time is
21 filed in the Federal district court that would
22 have proper jurisdiction over the case upon the
23 filing of a habeas corpus petition under section
24 2254; and

1 “(B) a showing of good cause is made for
2 the failure to file the habeas corpus petition
3 within the time period established by this sec-
4 tion.

5 **“§ 2259. Evidentiary hearings; scope of Federal re-**
6 **view; district court adjudication**

7 “(a) REVIEW OF RECORD; HEARING.—Whenever a
8 State prisoner under a capital sentence files a petition for
9 habeas corpus relief to which this chapter applies, the dis-
10 trict court shall—

11 “(1) determine the sufficiency of the record for
12 habeas corpus review based on the claims actually
13 presented and litigated in the State courts except
14 when the prisoner can show that the failure to raise
15 or develop a claim in the State courts is—

16 “(A) the result of State action in violation
17 of the Constitution or laws of the United
18 States;

19 “(B) the result of the Supreme Court rec-
20 ognition of a new Federal right that is retro-
21 actively applicable; or

22 “(C) based on a factual predicate that
23 could not have been discovered through the ex-
24 ercise of reasonable diligence in time to present
25 the claim for State postconviction review; and

1 “(2) conduct any requested evidentiary hearing
2 necessary to complete the record for habeas corpus
3 review.

4 “(b) ADJUDICATION.—Upon the development of a
5 complete evidentiary record, the district court shall rule
6 on the claims that are properly before it, but the court
7 shall not grant relief from a judgment of conviction or sen-
8 tence on the basis of any claim that was fully and fairly
9 adjudicated in State proceedings.

10 **“§ 2260. Certificate of probable cause inapplicable**

11 “The requirement of a certificate of probable cause
12 in order to appeal from the district court to the court of
13 appeals does not apply to habeas corpus cases subject to
14 this chapter except when a second or successive petition
15 is filed.

16 **“§ 2261. Application to State unitary review proce-**
17 **dure**

18 “(a) IN GENERAL.—For purposes of this section, the
19 term ‘unitary review procedure’ means a State procedure
20 that authorizes a person under sentence of death to raise,
21 in the course of direct review of the judgment, such claims
22 as could be raised on collateral attack. This chapter shall
23 apply, as provided in this section, in relation to a State
24 unitary review procedure if the State establishes by rule
25 of its court of last resort or by statute a mechanism for

1 the appointment, compensation, and payment of reason-
2 able litigation expenses of competent counsel in the uni-
3 tary review proceedings, including expenses relating to the
4 litigation of collateral claims in the proceedings. The rule
5 of court or statute must provide standards of competency
6 for the appointment of such counsel.

7 “(b) OFFER OF COUNSEL.—A unitary review proce-
8 dure, to qualify under this section, must include an offer
9 of counsel following trial for the purpose of representation
10 on unitary review, and entry of an order, as provided in
11 section 2256(c), concerning appointment of counsel or
12 waiver or denial of appointment of counsel for that pur-
13 pose. No counsel appointed to represent the prisoner in
14 the unitary review proceedings shall have previously rep-
15 resented the prisoner at trial in the case for which the
16 appointment is made unless the prisoner and counsel ex-
17 pressly request continued representation.

18 “(c) APPLICATION OF OTHER SECTIONS.—Sections
19 2257, 2258, 2259, 2260, and 2262 shall apply in relation
20 to cases involving a sentence of death from any State hav-
21 ing a unitary review procedure that qualifies under this
22 section. References to State ‘post-conviction review’ and
23 ‘direct review’ in those sections shall be understood as re-
24 ferring to unitary review under the State procedure. The
25 references in sections 2257(a) and 2258 to ‘an order

1 under section 2256(c)' shall be understood as referring to
2 the post-trial order under subsection (b) concerning rep-
3 resentation in the unitary review proceedings, but if a
4 transcript of the trial proceedings is unavailable at the
5 time of the filing of such an order in the appropriate State
6 court, the start of the 180-day limitation period under sec-
7 tion 2258 shall be deferred until a transcript is made
8 available to the prisoner or the prisoner's counsel.

9 **“§ 2262. Limitation periods for determining petitions**

10 “(a) IN GENERAL.—The adjudication of any petition
11 under section 2254 that is subject to this chapter, and
12 the adjudication of any motion under section 2255 by a
13 person under sentence of death, shall be given priority by
14 the district court and by the court of appeals over all
15 noncapital matters. The adjudication of such a petition or
16 motion shall be subject to the following time limitations:

17 “(1) A Federal district court shall determine
18 such a petition or motion within 110 days of filing.

19 “(2)(A) The court of appeals shall hear and de-
20 termine any appeal relating to such a petition or
21 motion within 90 days after the notice of appeal is
22 filed.

23 “(B) The court of appeals shall decide any ap-
24 plication for rehearing en banc within 20 days of the
25 filing of the application unless a responsive pleading

1 is required, in which case the court of appeals shall
2 decide the application within 20 days of the filing of
3 the responsive pleading. If en banc consideration is
4 granted, the en banc court shall determine the ap-
5 peal within 90 days of the decision to grant such
6 consideration.

7 “(3) The Supreme Court shall act on any appli-
8 cation for a writ of certiorari relating to such a peti-
9 tion or motion within 90 days after the application
10 is filed.

11 “(b) APPLICATION OF SECTION.—The time limita-
12 tions under subsection (a) shall apply to an initial petition
13 or motion, and to any second or successive petition or mo-
14 tion. The same limitations shall also apply to the redeter-
15 mination of a petition or motion or related appeal follow-
16 ing a remand by the court of appeals or the Supreme
17 Court for further proceedings, and in such a case the limi-
18 tation period shall run from the date of the remand.

19 “(c) RULE OF CONSTRUCTION.—The time limitations
20 under this section shall not be construed to entitle a peti-
21 tioner or movant to a stay of execution, to which the peti-
22 tioner or movant would otherwise not be entitled, for the
23 purpose of litigating any petition, motion, or appeal.

24 “(d) NO GROUND FOR RELIEF.—The failure of a
25 court to meet or comply with the time limitations under

1 this section shall not be a ground for granting relief from
 2 a judgment of conviction or sentence. The State or Gov-
 3 ernment may enforce the time limitations under this sec-
 4 tion by applying to the court of appeals or the Supreme
 5 Court for a writ of mandamus.

6 “(e) REPORT.—The Administrative Office of the
 7 United States Courts shall report annually to Congress on
 8 the compliance by the courts with the time limits estab-
 9 lished in this section.

10 **“§ 2263. Rule of construction**

11 “This chapter shall be construed to promote the expe-
 12 ditious conduct and conclusion of State and Federal court
 13 review in capital cases.”.

14 (b) TECHNICAL AMENDMENT.—The part analysis for
 15 part IV of title 28, United States Code, is amended by
 16 adding after the item relating to chapter 153 the following
 17 new item:

“154. **Special habeas corpus procedures in capital**
cases 2256.”.

18 **Subtitle C—Equalization of Capital** 19 **Habeas Corpus Litigation Funding**

20 **SEC. 721. FUNDING FOR DEATH PENALTY PROSECUTIONS.**

21 Part E of title I of the Omnibus Crime Control and
 22 Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is
 23 amended by inserting after section 511 the following new
 24 section:

1 “FUNDING FOR DEATH PENALTY PROSECUTIONS

2 “SEC. 511A. Notwithstanding any other provision of
 3 this part, the Director shall provide grants to the States,
 4 from the funding allocated pursuant to section 511, for
 5 the purpose of supporting litigation pertaining to Federal
 6 habeas corpus petitions in capital cases. The total funding
 7 available for such grants within any fiscal year shall be
 8 equal to the funding provided to capital resource centers,
 9 pursuant to Federal appropriation, in the same fiscal
 10 year.”.

11 **TITLE VIII—PREVENTION OF** 12 **TERRORISM**

13 **Subtitle A—Penalties and Offenses**

14 **SEC. 801. PROVIDING MATERIAL SUPPORT TO TERRORISM.**

15 (a) OFFENSE.—Chapter 113A of title 18, United
 16 States Code, as amended by section 631(b), is amended
 17 by adding the following new section:

18 **“§ 2339A. Providing material support to terrorists**

19 “A person who, within the United States, provides
 20 material support or resources or conceals or disguises the
 21 nature, location, source, or ownership of material support
 22 or resources, knowing or intending that they are to be
 23 used to facilitate a violation of section 32, 36, 351, 844(f)
 24 or (i), 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281,
 25 2331, or 2339 of this title, or section 902(i) of the Federal

1 Aviation Act of 1958, as amended (49 U.S.C. App.
 2 1472(i)), or to facilitate the concealment or an escape
 3 from the commission of any of the foregoing, shall be fined
 4 under this title, imprisoned not more than 10 years, or
 5 both. For purposes of this section, material support or re-
 6 sources shall include, but not be limited to, currency or
 7 other financial securities, lodging, training, safehouses,
 8 false documentation or identification, communications
 9 equipment, facilities, weapons, lethal substances, explo-
 10 sives, personnel, transportation, and other physical as-
 11 sets.”.

12 (b) TECHNICAL AMENDMENT.—The chapter analysis
 13 for chapter 113A of title 18, United States Code, as
 14 amended by section 631(c), is amended by adding the fol-
 15 lowing new item:

“2339A. Providing material support to terrorists.”.

16 **SEC. 802. ENHANCED PENALTIES FOR CERTAIN OFFENSES.**

17 (a) INTERNATIONAL EMERGENCY ECONOMIC POW-
 18 ERS ACT.—Section 206 of the International Emergency
 19 Economic Powers Act (50 U.S.C. 1705) is amended—

20 (1) in subsection (a) by striking “\$10,000” and
 21 inserting “\$50,000”; and

22 (2) in subsection (b) by striking “\$50,000” and
 23 inserting “\$1,000,000”.

24 (b) PASSPORTS AND VISAS.—(1) Section 1541 of title
 25 18, United States Code, is amended—

1 (A) by striking “\$500” and inserting
2 “\$250,000”; and

3 (B) by striking “one year” and inserting “5
4 years”.

5 (2) Sections 1542, 1543, 1544 and 1546 of title 18,
6 United States Code, are each amended—

7 (A) by striking “\$2,000” and inserting
8 “\$250,000”; and

9 (B) by striking “five years” and inserting “10
10 years”.

11 (3) Section 1545 of title 18, United States Code, is
12 amended—

13 (A) by striking “\$2,000” and inserting
14 “\$250,000”; and

15 (B) by striking “three years” and inserting “10
16 years”.

17 **SEC. 803. SENTENCING GUIDELINES INCREASE FOR TER-**
18 **RORIST CRIMES.**

19 The United States Sentencing Commission is directed
20 to amend its sentencing guidelines to provide an increase
21 of not less than three levels in the base offense level for
22 any felony, whether committed within or outside the Unit-
23 ed States, that involves or is intended to promote inter-
24 national terrorism, unless such involvement or intent is
25 itself an element of the crime.

1 **SEC. 804. EXTENSION OF THE STATUTE OF LIMITATIONS**
2 **FOR CERTAIN TERRORISM OFFENSES.**

3 (a) OFFENSE.—Chapter 213 of title 18, United
4 States Code, is amended by inserting after section 2385
5 the following new section:

6 **“§ 3286. Extension of statute of limitations for certain**
7 **terrorism offenses**

8 “Notwithstanding section 3282, no person shall be
9 prosecuted, tried, or punished for any offense involving a
10 violation of section 32 (aircraft destruction), section 36
11 (airport violence), section 112 (assaults upon diplomats),
12 section 351 (crimes against Congressmen or Cabinet offi-
13 cers), section 1116 (crimes against diplomats), section
14 1203 (hostage taking), section 1361 (willful injury to gov-
15 ernment property), section 1751 (crimes against the Presi-
16 dent), section 2280 (maritime violence), section 2281
17 (maritime platform violence), section 2331 (terrorist acts
18 abroad against United States nationals), section 2339 (use
19 of weapons of mass destruction), or section 2340A (tor-
20 ture) of this title or section 902(i), (j), (k), (l), or (n) of
21 the Federal Aviation Act of 1958, as amended (49 U.S.C.
22 App. 1572(i), (j), (k), (l), or (n)), unless the indictment
23 is found or the information is instituted within 10 years
24 after such offense shall have been committed.”.

25 (b) TECHNICAL AMENDMENT.—The chapter analysis
26 for chapter 213 of title 18, United States Code, is amend-

1 ed by inserting after the item for section 3285 the follow-
 2 ing new item:

“3286. Extension of statute of limitations for certain terrorism offenses.”.

3 **SEC. 805. FORFEITURE OF ASSETS USED TO SUPPORT TER-**
 4 **RORISTS.**

5 Section 982(a) of title 18, United States Code, is
 6 amended by adding at the end the following new para-
 7 graph:

8 “(5) Any property, real or personal—

9 “(A) used or intended for use in commit-
 10 ting or to facilitate the concealment or an es-
 11 cape from the commission of; or

12 “(B) constituting or derived from the gross
 13 profits or other proceeds obtained from,

14 a violation of section 32, 36, 351, 844 (f) or (i),
 15 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281,
 16 2332, or 2339A of this title or section 902(i) of the
 17 Federal Aviation Act of 1958 (49 U.S.C. 1472(i)).”.

18 **SEC. 806. ALIEN WITNESS COOPERATION.**

19 (a) AMENDMENT OF CHAPTER 224 OF TITLE 18.—
 20 Chapter 224 of title 18, United States Code, is amended—

21 (1) by redesignating section 3528 as section
 22 3529; and

23 (2) by inserting after section 3527 the following
 24 new section:

1 **“§ 3528. Aliens; waiver of admission requirements**

2 “(a) IN GENERAL.—Upon authorizing protection to
3 any alien under this chapter, the United States shall pro-
4 vide the alien with appropriate immigration visas and
5 allow the alien to remain in the United States so long as
6 that alien abides by all laws of the United States and
7 guidelines, rules and regulations for protection. The Attor-
8 ney General may determine that the granting of perma-
9 nent resident status to such alien is in the public interest
10 and necessary for the safety and protection of such alien
11 without regard to the alien’s admissibility under immigra-
12 tion or any other laws and regulations or the failure to
13 comply with such laws and regulations pertaining to ad-
14 missibility.

15 “(b) ALIEN WITH FELONY CONVICTIONS.—Notwith-
16 standing any other provision of this chapter, an alien who
17 would not be excluded because of felony convictions shall
18 be considered for permanent residence on a conditional
19 basis for a period of 2 years. Upon a showing that the
20 alien is still being provided protection, or that protection
21 remains available to the alien in accordance with this
22 chapter, or that the alien is still cooperating with the Gov-
23 ernment and has maintained good moral character, the
24 Attorney General shall remove the conditional basis of the
25 status effective as of the second anniversary of the alien’s
26 obtaining the status of admission for permanent residence.

1 Permanent resident status shall not be granted to an alien
2 who would be excluded because of felony convictions unless
3 the Attorney General determines, pursuant to regulations
4 which shall be prescribed by the Attorney General, that
5 granting permanent residence status to the alien is nec-
6 essary in the interests of justice and comports with safety
7 of the community.

8 “(c) LIMIT ON NUMBER OF ALIENS.—The number
9 of aliens and members of their immediate families entering
10 the United States under the authority of this section shall
11 in no case exceed 200 persons in any fiscal year. The deci-
12 sion to grant or deny permanent resident status under this
13 section is at the discretion of the Attorney General and
14 shall not be subject to judicial review.

15 “(d) DEFINITIONS.—As used in this section, the
16 terms ‘alien’ and ‘United States’ have the meanings stated
17 in section 101 of the Immigration and Nationality Act (8
18 U.S.C. 1101).”.

19 (b) TECHNICAL AMENDMENT.—The chapter analysis
20 for chapter 224 of title 18, United States Code, is amend-
21 ed by striking the item relating to section 3528 and insert-
22 ing the following:

“3528. Aliens; waiver of admission requirements.

“3529. Definition.”.

1 **SEC. 807. TERRITORIAL SEA EXTENDING TO 12 MILES IN-**
2 **CLUDED IN SPECIAL MARITIME AND TERRI-**
3 **TORIAL JURISDICTION.**

4 The Congress declares that all the territorial sea of
5 the United States, as defined by Presidential Proclamation
6 5928 of December 27, 1988, is part of the United States,
7 subject to its sovereignty, and, for purposes of Federal
8 criminal jurisdiction, is within the special maritime and
9 territorial jurisdiction of the United States wherever that
10 term is used in title 18, United States Code.

11 **SEC. 808. ASSIMILATED CRIMES IN EXTENDED TERRI-**
12 **TORIAL SEA.**

13 Section 13 of title 18, United States Code is amend-
14 ed—

15 (1) in subsection (a), by inserting after “title”
16 the following: “or on, above, or below any portion of
17 the territorial sea of the United States not within
18 the territory of any State, territory, possession, or
19 district”; and

20 (2) by inserting at the end the following new
21 subsection:

22 “(c) Whenever any waters of the territorial sea of the
23 United States lie outside the territory of any State, terri-
24 tory, possession, or district, such waters (including the air-
25 space above and the seabed and subsoil below, and artifi-
26 cial islands and fixed structures erected thereon) shall be

1 deemed for purposes of subsection (a) to lie within the
2 area of the State, territory, possession, or district within
3 which it would lie if the boundaries of the State, territory,
4 possession, or district were extended seaward to the outer
5 limit of the territorial sea of the United States.”.

6 **SEC. 809. JURISDICTION OVER CRIMES AGAINST UNITED**
7 **STATES NATIONALS ON CERTAIN FOREIGN**
8 **SHIPS.**

9 Section 7 of title 18, United States Code, is amended
10 by inserting at the end the following new paragraph:

11 “(8) Any foreign vessel during a voyage having
12 a scheduled departure from or arrival in the United
13 States with respect to an offense committed by or
14 against a national of the United States.”.

15 **SEC. 810. PENALTIES FOR INTERNATIONAL TERRORIST**
16 **ACTS.**

17 Section 2332 of title 18, United States Code, as re-
18 designated by section 601(a)(2), is amended—

19 (1) in subsection (a)—

20 (A) in paragraph (2) by striking “ten” and
21 inserting “20”; and

22 (B) in paragraph (3) by striking “three”
23 and inserting “10”; and

24 (2) in subsection (c) by striking “five” and in-
25 serting “10”.

1 **SEC. 811. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated for each of
3 fiscal years 1994 and 1995, in addition to any other
4 amounts specified in appropriations Acts, for
5 counterterrorist operations and programs—

6 (1) for the Federal Bureau of Investigation,
7 \$30,000,000;

8 (2) for the Department of State, \$10,000,000;
9 and

10 (3) for the Immigration and Naturalization
11 Service, \$20,000,000.

12 **SEC. 812. INTERNATIONAL PARENTAL KIDNAPPING.**

13 (a) IN GENERAL.—Chapter 55 of title 18, United
14 States Code, is amended by adding at the end the follow-
15 ing new section:

16 **“§ 1204. International parental kidnapping**

17 “(a) OFFENSE.—Whoever removes a child from the
18 United States or retains a child (who has been in the
19 United States) outside the United States with intent to
20 obstruct the lawful exercise of parental rights shall be
21 fined under this title, imprisoned not more than 3 years,
22 or both.

23 “(b) DEFINITIONS.—As used in this section—

24 “(1) the term ‘child’ means a person who has
25 not attained the age of 16 years; and

1 “(2) the term ‘parental rights’, with respect to
 2 a child, means the right to physical custody of the
 3 child—

4 “(A) whether joint or sole (and includes
 5 visiting rights); and

6 “(B) whether arising by operation of law,
 7 court order, or legally binding agreement of the
 8 parties.

9 “(c) RULE OF CONSTRUCTION.—This section does
 10 not detract from The Hague Convention on the Civil As-
 11 pects of International Parental Child Abduction, done at
 12 The Hague on October 25, 1980.”.

13 (b) TECHNICAL AMENDMENT.—The chapter analysis
 14 for chapter 55 of title 18, United States Code, is amended
 15 by adding at the end the following new item:

“1204. International parental kidnapping.”.

16 **SEC. 813. FOREIGN MURDER OF UNITED STATES NATION-**
 17 **ALS.**

18 (a) IN GENERAL.—Chapter 51 of title 18, United
 19 States Code, as amended by section 141(a), is amended
 20 by adding at the end the following new section:

21 **“§ 1120. Foreign murder of United States nationals**

22 “(a) OFFENSE.—Whoever kills or attempts to kill a
 23 national of the United States while such national is out-
 24 side the United States but within the jurisdiction of an-

1 other country shall be punished as provided under sections
2 1111, 1112, and 1113.

3 “(b) APPROVAL OF PROSECUTION.—No prosecution
4 may be instituted against any person under this section
5 except upon the written approval of the Attorney General,
6 the Deputy Attorney General, or an Assistant Attorney
7 General, which function of approving prosecutions may
8 not be delegated. No prosecution shall be approved if pros-
9 ecution has been previously undertaken by a foreign coun-
10 try for the same act or omission.

11 “(c) CRITERIA FOR APPROVAL.—No prosecution
12 shall be approved under this section unless the Attorney
13 General, in consultation with the Secretary of State, deter-
14 mines that the act or omission took place in a country
15 in which the person is no longer present, and the country
16 lacks the ability to lawfully secure the person’s return. A
17 determination by the Attorney General under this sub-
18 section is not subject to judicial review.

19 “(d) ASSISTANCE FROM OTHER AGENCIES.—In the
20 course of the enforcement of this section and notwith-
21 standing any other law, the Attorney General may request
22 assistance from any Federal, State, local, or foreign agen-
23 cy, including the Army, Navy, and Air Force.

24 “(e) DEFINITION.—As used in this section, the term
25 ‘national of the United States’ has the meaning stated in

1 section 101(a)(22) of the Immigration and Nationality Act
2 (8 U.S.C. 1101(a)(22)).”.

3 (b) TECHNICAL AMENDMENTS.—(1) Section 1117 of
4 title 18, United States Code, is amended by striking “or
5 1116” and inserting “1116, or 1120”.

6 (2) The chapter analysis for chapter 51 of title 18,
7 United States Code, as amended by section 141(b), is
8 amended by adding at the end the following new item:

“1120. Foreign murder of United States nationals.”.

9 **SEC. 814. EXTRADITION.**

10 (a) SCOPE.—Section 3181 of title 18, United States
11 Code, is amended—

12 (1) by inserting “(a) IN GENERAL.—” before
13 “The provisions of this chapter”; and

14 (2) by adding at the end the following new sub-
15 sections:

16 “(b) SURRENDER WITHOUT REGARD TO EXISTENCE
17 OF EXTRADITION TREATY.—This chapter shall be con-
18 strued to permit, in the exercise of comity, the surrender
19 of persons who have committed crimes of violence against
20 nationals of the United States in foreign countries without
21 regard to the existence of any treaty of extradition with
22 such foreign government if the Attorney General certifies
23 in writing that—

24 “(1) evidence has been presented by the foreign
25 government that indicates that, if the offenses had

1 been committed in the United States, they would
2 constitute crimes of violence (as defined under sec-
3 tion 16); and

4 “(2) the offenses charged are not of a political
5 nature.

6 “(c) DEFINITION.—In this section, ‘national of the
7 United States’ has the meaning stated in section
8 101(a)(22) of the Immigration and Nationality Act (8
9 U.S.C. 1101(a)(22)).”.

10 (b) FUGITIVES.—Section 3184 of title 18, United
11 States Code, is amended—

12 (1) in the first sentence by inserting after
13 “United States and any foreign government,” the
14 following: “or in cases arising under section
15 3181(b),”;

16 (2) in the first sentence by inserting after
17 “treaty or convention,” the following: “or provided
18 for under section 3181(b),”; and

19 (3) in the third sentence by inserting after
20 “treaty or convention,” the following: “or under sec-
21 tion 3181(b),”.

1 **SEC. 815. FBI ACCESS TO TELEPHONE SUBSCRIBER INFOR-**
2 **MATION.**

3 (a) REQUIRED CERTIFICATION.—Section 2709(b) of
4 title 18, United States Code, is amended to read as fol-
5 lows:

6 “(b) REQUIRED CERTIFICATION.—

7 “(1) NAME, ADDRESS, AND LENGTH OF SERV-
8 ICE ONLY.—The Director of the Federal Bureau of
9 Investigation, or the Director’s designee in a posi-
10 tion not lower than Deputy Assistant Director, may
11 request the name, address, and length of service of
12 a person or entity if the Director (or designee in a
13 position not lower than Deputy Assistant Director)
14 certifies in writing to the wire or electronic commu-
15 nication service provider to which the request is
16 made that—

17 “(A) the information sought is relevant to
18 an authorized foreign counterintelligence inves-
19 tigation; and

20 “(B) there are specific and articulable
21 facts giving reason to believe that communica-
22 tion facilities registered in the name of the per-
23 son or entity have been used, through the serv-
24 ices of the provider, in communication with—

25 “(i) an individual who is engaging or
26 has engaged in international terrorism (as

1 defined in section 101 of the Foreign Intel-
2 ligence Surveillance Act of 1978 (50
3 U.S.C. 1801)) or clandestine intelligence
4 activities that involve or may involve a vio-
5 lation of the criminal statutes of the Unit-
6 ed States; or

7 “(ii) a foreign power (as defined in
8 section 101 of the Foreign Intelligence
9 Surveillance Act of 1978 (50 U.S.C.
10 1801)) or an agent of a foreign power (as
11 defined in that section) under cir-
12 cumstances giving reason to believe that
13 the communication concerned international
14 terrorism (as defined in that section) or
15 clandestine intelligence activities that in-
16 volve or may involve a violation of the
17 criminal statutes of the United States.

18 “(2) NAME, ADDRESS, LENGTH OF SERVICE,
19 AND TOLL BILLING RECORDS.—The Director of the
20 Federal Bureau of Investigation, or the Director’s
21 designee in a position not lower than Deputy Assist-
22 ant Director, may request the name, address, length
23 of service, and toll billing records of a person or en-
24 tity if the Director (or designee in a position not
25 lower than Deputy Assistant Director) certifies in

1 writing to the wire or electronic communication serv-
 2 ice provider to which the request is made that—

3 “(A) the name, address, length of service,
 4 and toll billing records sought are relevant to
 5 an authorized foreign counterintelligence inves-
 6 tigation; and

7 “(B) there are specific and articulable
 8 facts giving reason to believe that the person or
 9 entity to whom the information sought pertains
 10 is a foreign power (as defined in section 101 of
 11 the Foreign Intelligence Surveillance Act of
 12 1978 (50 U.S.C. 1801)) or an agent of a for-
 13 eign power (as defined in that section).”.

14 (b) REPORT TO JUDICIARY COMMITTEES.—Section
 15 2709(e) of title 18, United States Code, is amended by
 16 adding after “Senate” the following: “, and the Committee
 17 on the Judiciary of the House of Representatives and the
 18 Committee on the Judiciary of the Senate,”.

19 **Subtitle B—Removal of Alien** 20 **Terrorists**

21 **SEC. 821. REMOVAL OF ALIEN TERRORISTS.**

22 The Immigration and Nationality Act (8 U.S.C. 1101
 23 et seq.) is amended by inserting the following new section:

24 “REMOVAL OF ALIEN TERRORISTS

25 “SEC. 242C. (a) DEFINITIONS.—As used in this sec-
 26 tion—

1 “(1) the term ‘alien terrorist’ means any alien
2 described in section 241(a)(4)(B);

3 “(2) the term ‘classified information’ has the
4 same meaning as defined in section 1(a) of the Clas-
5 sified Information Procedures Act (18 U.S.C. App.
6 IV);

7 “(3) the term ‘national security’ has the same
8 meaning as defined in section 1(b) of the Classified
9 Information Procedures Act (18 U.S.C. App. IV);

10 “(4) the term ‘special court’ means the court
11 described in subsection (c) of this section; and

12 “(5) the term ‘special removal hearing’ means
13 the hearing described in subsection (e) of this sec-
14 tion.

15 “(b) APPLICATION FOR USE OF PROCEDURES.—The
16 provisions of this section shall apply whenever the Attor-
17 ney General certifies under seal to the special court that—

18 “(1) the Attorney General or Deputy Attorney
19 General has approved of the proceeding under this
20 section;

21 “(2) an alien terrorist is physically present in
22 the United States; and

23 “(3) removal of such alien terrorist by deporta-
24 tion proceedings described in sections 242, 242A, or
25 242B would pose a risk to the national security of

1 the United States because such proceedings would
2 disclose classified information.

3 “(c) SPECIAL COURT.—(1) The Chief Justice of the
4 United States shall publicly designate up to 7 judges from
5 up to 7 United States judicial districts to hear and decide
6 cases arising under this section, in a manner consistent
7 with the designation of judges described in section 103(a)
8 of the Foreign Intelligence Surveillance Act (50 U.S.C.
9 1803(a)).

10 “(2) The Chief Justice may, in the Chief Justice’s
11 discretion, designate the same judges under this section
12 as are designated pursuant to 50 U.S.C. 1803(a).

13 “(d) INVOCATION OF SPECIAL COURT PROCE-
14 DURE.—(1) When the Attorney General makes the appli-
15 cation described in subsection (b), a single judge of the
16 special court shall consider the application in camera and
17 ex parte.

18 “(2) The judge shall invoke the procedures of sub-
19 section (e), if the judge determines that there is probable
20 cause to believe that—

21 “(A) the alien who is the subject of the applica-
22 tion has been correctly identified;

23 “(B) a deportation proceeding described in sec-
24 tions 242, 242A, or 242B would pose a risk to the
25 national security of the United States because such

1 proceedings would disclose classified information;
2 and

3 “(C) the threat posed by the alien’s physical
4 presence is immediate and involves the risk of death
5 or serious bodily harm.

6 “(e) SPECIAL REMOVAL HEARING.—(1) Except as
7 provided in paragraph (4), the special removal hearing au-
8 thorized by a showing of probable cause described in sub-
9 section (d)(2) shall be open to the public.

10 “(2) The alien shall have a right to be present at such
11 hearing and to be represented by counsel. Any alien finan-
12 cially unable to obtain counsel shall be entitled to have
13 counsel assigned to represent such alien. Counsel may be
14 appointed as described in section 3006A of title 18, United
15 States Code.

16 “(3) The alien shall have a right to introduce evi-
17 dence on his own behalf, and except as provided in para-
18 graph (4), shall have a right to cross-examine any witness
19 or request that the judge issue a subpoena for the pres-
20 ence of a named witness.

21 “(4) The judge shall authorize the introduction in
22 camera and ex parte of any item of evidence for which
23 the judge determines that public disclosure would pose a
24 risk to the national security of the United States because
25 it would disclose classified information.

1 “(5) With respect to any evidence described in para-
2 graph (4), the judge shall cause to be delivered to the alien
3 either—

4 “(A)(i) the substitution for such evidence of a
5 statement admitting relevant facts that the specific
6 evidence would tend to prove, or (ii) the substitution
7 for such evidence of a summary of the specific evi-
8 dence; or

9 “(B) if disclosure of even the substituted evi-
10 dence described in subparagraph (A) would create a
11 substantial risk of death or serious bodily harm to
12 any person, a statement informing the alien that no
13 such summary is possible.

14 “(6) If the judge determines—

15 “(A) that the substituted evidence described in
16 paragraph (4)(B) will provide the alien with sub-
17 stantially the same ability to make his defense as
18 would disclosure of the specific evidence, or

19 “(B) that disclosure of even the substituted evi-
20 dence described in paragraph (5)(A) would create a
21 substantial risk of death or serious bodily harm to
22 any person,

23 then the determination of deportation (described in sub-
24 section (f)) may be made pursuant to this section.

1 “(f) DETERMINATION OF DEPORTATION.—(1) If the
2 determination in subsection (e)(6)(A) has been made, the
3 judge shall, considering the evidence on the record as a
4 whole, require that the alien be deported if the Attorney
5 General proves, by clear and convincing evidence, that the
6 alien is subject to deportation because he is an alien as
7 described in section 241(a)(4)(B).

8 “(2) If the determination in subsection (e)(6)(B) has
9 been made, the judge shall, considering the evidence re-
10 ceived (in camera and otherwise), require that the alien
11 be deported if the Attorney General proves, by clear, con-
12 vincing, and unequivocal evidence, that the alien is subject
13 to deportation because he is an alien as described in sec-
14 tion 241(a)(4)(B).

15 “(g) APPEALS.—(1) The alien may appeal a deter-
16 mination under subsection (f) to the court of appeals for
17 the Federal Circuit, by filing a notice of appeal with such
18 court within 20 days of the determination under such sub-
19 section.

20 “(2)(A) The Attorney General may appeal a deter-
21 mination under subsection (d), (e), or (f) to the court of
22 appeals for the Federal Circuit, by filing a notice of appeal
23 with such court within 20 days of the determination under
24 any one of such subsections.

1 “(B) When requested by the Attorney General, the
 2 entire record of the proceeding under this section shall be
 3 transmitted to the court of appeals under seal. If the At-
 4 torney General is appealing a determination under sub-
 5 section (d) or (e), the court of appeals shall consider such
 6 appeal in camera and ex parte.”.

7 **Subtitle C—Enhanced Entry** 8 **Controls**

9 **SEC. 831. ADMISSIONS FRAUD.**

10 (a) EXCLUSION FOR FRAUDULENT DOCUMENTS AND
 11 FAILURE TO PRESENT DOCUMENTS.—Section
 12 212(a)(6)(C) of the Immigration and Nationality Act (8
 13 U.S.C. 1182(a)(6)(C)) is amended—

14 (1) by striking “(C) MISREPRESENTATION” and
 15 inserting in lieu thereof the following:

16 “(C) FRAUD, MISREPRESENTATION, AND
 17 FAILURE TO PRESENT DOCUMENTS”;

18 (2) by adding at the end the following new
 19 clause:

20 “(iii) FRAUDULENT DOCUMENTS AND
 21 FAILURE TO PRESENT DOCUMENTS.—

22 “(I) Any alien who, in seeking
 23 entry to the United States or board-
 24 ing a common carrier for the purpose
 25 of coming to the United States, pre-

1 sents any document which, in the de-
2 termination of the immigration offi-
3 cer, is forged, counterfeit, altered,
4 falsely made, stolen, or inapplicable to
5 the alien presenting the document, or
6 otherwise contains a misrepresenta-
7 tion of a material fact, is excludable.

8 “(II) Any alien who, in boarding
9 a common carrier for the purpose of
10 coming to the United States, presents
11 a document that relates or purports to
12 relate to the alien’s eligibility to enter
13 the United States, and fails to present
14 such document to an immigration offi-
15 cer upon arrival at a port of entry
16 into the United States, is exclud-
17 able.”.

18 (b) AVAILABILITY OF ASYLUM AND OTHER DISCRE-
19 TIONARY RELIEF.—

20 (1) Section 208 of the Immigration and Nation-
21 ality Act (8 U.S.C. 1158) is amended by adding at
22 the end the following new subsection:

23 “(e) FRAUD.—

24 “(1) APPLICATION OF FRAUD EXCLUSION.—

25 Notwithstanding subsection (a) and except as pro-

1 vided in paragraph (2), any alien who is excludable
2 under section 212(a)(6)(C)(iii) or section
3 212(a)(7)(A)(i) may not apply for or be granted asy-
4 lum.

5 “(2) EXCEPTION.—(A) The limitation under
6 paragraph (1) shall not apply if the action upon
7 which the exclusion is based was pursuant to direct
8 departure from a country in which—

9 “(i) the alien has a credible fear of perse-
10 cution; or

11 “(ii) there is a significant danger that the
12 alien would be returned to a country in which
13 the alien would have a credible fear of persecu-
14 tion.

15 “(B) For the purposes of subparagraph (A), an
16 alien may be considered to have a credible fear of
17 persecution if—

18 “(i) it is more probable than not that the
19 statements made by the alien in support of his
20 or her claim are true; and

21 “(ii) there is a significant possibility, in
22 light of such statements and of such other facts
23 as are known to the officer about country con-
24 ditions, that the alien could establish eligibility

1 as a refugee within the meaning of section
2 101(a)(42)(A).”.

3 (2) Section 212(c) of the Immigration and Na-
4 tionality Act (8 U.S.C. 1182(c)) is amended in the
5 third sentence by inserting before the period “or to
6 any alien who is excludable pursuant to section
7 212(a)(6)(C)(iii)”.

8 **SEC. 832. INSPECTION AND EXCLUSION BY IMMIGRATION**
9 **OFFICERS.**

10 Section 235(b) of the Immigration and Nationality
11 Act (8 U.S.C. 1225(b)) is amended to read as follows:

12 “(b) INSPECTION AND EXCLUSION BY IMMIGRATION
13 OFFICERS.—

14 “(1) An immigration officer shall inspect each
15 alien who is seeking entry to the United States.

16 “(2)(A) If the examining immigration officer
17 determines that an alien seeking entry—

18 “(i)(I) is excludable under section
19 212(a)(6)(C)(iii), or

20 “(II) is excludable under section
21 212(a)(7)(A)(i),

22 “(ii) does not have any reasonable basis for
23 legal entry into the United States, and

24 “(iii) does not indicate an intention to
25 apply for asylum under section 208,

1 the alien shall be specially excluded from entry into
2 the United States without a hearing.

3 “(B) The examining immigration officer shall
4 refer to an immigration officer, specially trained to
5 conduct interviews and make determinations bearing
6 on eligibility for asylum, any alien who is (i) exclud-
7 able under section 212(a)(6)(C)(iii) or section
8 212(a)(7)(A) (i) and (ii) who has indicated an inten-
9 tion to apply for asylum. Such an alien shall not be
10 considered to have entered the United States for
11 purposes of this Act.

12 “(C) An alien under subparagraph (B) who is
13 determined by an immigration officer, specially
14 trained to conduct interviews and make determina-
15 tions bearing on eligibility for asylum, to be exclud-
16 able and ineligible for the exception under section
17 208(e)(2), shall be specially excluded and deported
18 from the United States without further hearing.

19 “(3)(A) Except as provided in subparagraph
20 (B), if the examining immigration officer determines
21 that an alien seeking entry is not clearly and beyond
22 a doubt entitled to enter, the alien shall be detained
23 for a hearing before an immigration judge.

24 “(B) The provisions of subparagraph (A) shall
25 not apply—

1 “(i) to an alien crewman,

2 “(ii) to an alien described in paragraph
3 (2)(A) or (2)(C), or

4 “(iii) if the conditions described in section
5 273(d) exist.

6 “(4) The decision of the examining immigration
7 officer, if favorable to the admission of any alien,
8 shall be subject to challenge by any other immigra-
9 tion officer and such challenge shall operate to take
10 the alien, whose privilege to enter is so challenged,
11 before an immigration judge for a hearing on exclu-
12 sion of the alien.

13 “(5) The Attorney General shall establish pro-
14 cedures that ensure that aliens are not specially ex-
15 cluded under paragraph (2)(A) without an inquiry
16 into their reasons for seeking entry into the United
17 States.

18 “(6)(A) Subject to subparagraph (B), an alien
19 has not entered the United States for purposes of
20 this Act unless and until such alien has been in-
21 spected and admitted by an immigration officer pur-
22 suant to this subsection.

23 “(B) An alien who (i) is physically present in
24 the United States, (ii) has been physically present in
25 the United States for a continuous period of one

1 year, and (iii) has not been inspected and admitted
2 by an immigration officer may be said to have en-
3 tered the United States without inspection. Such an
4 alien is subject to deportation pursuant to section
5 241(a)(1)(B).”.

6 **SEC. 833. JUDICIAL REVIEW.**

7 Section 235 of the Immigration and Nationality Act
8 (8 U.S.C. 1225) (as amended by section 732) is amended
9 by adding after subsection (c) the following new sub-
10 sections:

11 “(d) **HABEAS CORPUS REVIEW.**—Notwithstanding
12 any other provision of law, no court shall have jurisdiction
13 to review, except by petition for habeas corpus, any deter-
14 mination made with respect to an alien found excludable
15 pursuant to section 212(a)(6)(C)(iii) or section
16 212(a)(7)(A)(i). In any such case, review by habeas corpus
17 shall be limited to examination of whether the petitioner
18 (1) is an alien, and (2) was ordered excluded from the
19 United States pursuant to section 235(b)(2).

20 “(e) **OTHER LIMITS ON JUDICIAL REVIEW AND AC-**
21 **TION.**—Notwithstanding any other provision of law, no
22 court shall have jurisdiction (1) to review the procedures
23 established by the Attorney General for the determination
24 of exclusion pursuant to section 212(a)(6)(C)(iii) or sec-
25 tion 212(a)(7)(A)(i), or (2) to enter declaratory or injunc-

1 tive relief with respect to the implementation of subsection
2 (b)(2). Regardless of the nature of the suit or claim, no
3 court shall have jurisdiction except by habeas corpus peti-
4 tion as provided in subsection (d) to consider the validity
5 of any adjudication or determination of special exclusion
6 or to provide declaratory or injunctive relief with respect
7 to the special exclusion of any alien.

8 “(f) COLLATERAL ENFORCEMENT PROCEEDINGS.—
9 In any action brought for the assessment of penalties for
10 improper entry or re-entry of an alien under section 275
11 or 276, no court shall have jurisdiction to hear claims col-
12 laterally attacking the validity of orders of exclusion, spe-
13 cial exclusion, or deportation entered under sections 235,
14 236, and 242.”.

15 **SEC. 834. CONFORMING AMENDMENTS.**

16 Section 237(a) of the Immigration and Nationality
17 Act (8 U.S.C. 1227(a)) is amended—

18 (1) in the second sentence of paragraph (1) by
19 striking “Deportation” and inserting “Subject to
20 section 235(b)(2), deportation”; and

21 (2) in the first sentence of paragraph (2) by
22 striking “If” and inserting “Subject to section
23 235(b)(2), if”.

1 **SEC. 835. EFFECTIVE DATE.**

2 Except as otherwise provided, the amendments made
3 by this subtitle shall take effect on the date of the enact-
4 ment of this Act and shall apply to aliens who arrive in
5 or seek admission to the United States on or after that
6 date.

7 **TITLE IX—VICTIMS’ RIGHTS AND**
8 **CHILD ABUSE**

9 **Subtitle A—Victims’ Rights**

10 **SEC. 901. RESTITUTION AMENDMENTS.**

11 Section 3663(b) of title 18, United States Code, is
12 amended—

13 (1) by striking “and” at the end of paragraph
14 (3);

15 (2) by redesignating paragraph (4) as para-
16 graph (5); and

17 (3) by inserting after paragraph (4) the follow-
18 ing new paragraph:

19 “(4) in any case, reimburse the victim for nec-
20 essary child care, transportation, and other expenses
21 related to participation in the investigation or pros-
22 ecution of the offense or attendance at proceedings
23 related to the offense; and”.

24 (b) **SUSPENSION OF FEDERAL BENEFITS.**—Section
25 3663 of title 18, United States Code, is amended—

1 (1) by redesignating subsections (g) and (h) as
2 subsections (h) and (i), respectively; and

3 (2) by inserting after subsection (f) the follow-
4 ing new subsection:

5 “(g)(1) If the defendant is delinquent in making res-
6 titution in accordance with any schedule of payments or
7 any requirement of immediate payment imposed under
8 this section, the court may, after a hearing, suspend the
9 defendant’s eligibility for all Federal benefits until such
10 time as the defendant demonstrates to the court good-
11 faith efforts to return to such schedule.

12 “(2) In this subsection—

13 “(A) ‘Federal benefits’—

14 “(i) means any grant, contract, loan, pro-
15 fessional license, or commercial license provided
16 by an agency of the United States or by appro-
17 priated funds of the United States; and

18 “(ii) does not include any retirement, wel-
19 fare, Social Security, health, disability, veterans
20 benefit, public housing, or other similar benefit,
21 or any other benefit for which payments or
22 services are required for eligibility.

23 “(B) ‘veterans benefit’ means all benefits pro-
24 vided to veterans, their families, or survivors by vir-

1 tue of the service of a veteran in the Armed Forces
2 of the United States.”.

3 **SEC. 902. RIGHT OF THE VICTIM TO AN IMPARTIAL JURY.**

4 Rule 24(b) of the Federal Rules of Criminal Proce-
5 dure is amended by striking “the Government is entitled
6 to 6 peremptory challenges and the defendant or defend-
7 ants jointly to 10 peremptory challenges” and inserting
8 “each side is entitled to 6 peremptory challenges”.

9 **SEC. 903. MANDATORY RESTITUTION AND OTHER PROVI-**
10 **SIONS.**

11 (a) ORDER OF RESTITUTION.—Section 3663 of title
12 18, United States Code, is amended—

13 (1) in subsection (a)—

14 (A) by striking “may order” and inserting
15 “shall order”; and

16 (B) by adding at the end the following new
17 paragraph:

18 “(4) In addition to ordering restitution of the
19 victim of the offense of which a defendant is con-
20 victed, a court may order restitution of any person
21 who, as shown by a preponderance of evidence, was
22 harmed physically, emotionally, or pecuniarily, by
23 unlawful conduct of the defendant during—

24 “(A) the criminal episode during which the
25 offense occurred; or

1 “(B) the course of a scheme, conspiracy, or
2 pattern of unlawful activity related to the of-
3 fense.”;

4 (2) in subsection (b)(1)(A) by striking “imprac-
5 tical” and inserting “impracticable”;

6 (3) in subsection (b)(2) by inserting “emotional
7 or” after “resulting in”;

8 (4) in subsection (c) by striking “If the Court
9 decides to order restitution under this section, the”
10 and inserting “The”;

11 (5) by striking subsections (d), (e), (f), (h), and
12 (i), as redesignated by section 871(b)(1);

13 (6) by redesignating subsection (g), as added by
14 section 871(b)(2), as subsection (d); and

15 (7) by adding at the end the following new sub-
16 sections:

17 “(e)(1) The court shall order restitution to a victim
18 in the full amount of the victim’s losses as determined by
19 the court and without consideration of—

20 “(A) the economic circumstances of the of-
21 fender; or

22 “(B) the fact that a victim has received or is
23 entitled to receive compensation with respect to a
24 loss from insurance or any other source.

1 “(2) Upon determination of the amount of restitution
2 owed to each victim, the court shall specify in the restitu-
3 tion order the manner in which and the schedule according
4 to which the restitution is to be paid, in consideration of—

5 “(A) the financial resources and other assets of
6 the offender;

7 “(B) projected earnings and other income of
8 the offender; and

9 “(C) any financial obligations of the offender,
10 including obligations to dependents.

11 “(3) A restoration order may direct the offender to
12 make a single, lump-sum payment, partial payment at
13 specified intervals, or such in-kind payments as may be
14 agreeable to the victim and the offender.

15 “(4) An in-kind payment described in paragraph (3)
16 may be in the form of—

17 “(A) return of property;

18 “(B) replacement of property; or

19 “(C) services rendered to the victim or to a per-
20 son or organization other than the victim.

21 “(f) When the court finds that more than 1 offender
22 has contributed to the loss of a victim, the court may make
23 each offender liable for payment of the full amount of res-
24 titution or may apportion liability among the offenders to

1 reflect the level of contribution and economic cir-
2 cumstances of each offender.

3 “(g) When the court finds that more than 1 victim
4 has sustained a loss requiring restitution by an offender,
5 the court shall order full restitution of each victim but may
6 provide for different payment schedules to reflect the eco-
7 nomic circumstances of each victim.

8 “(h)(1) If the victim has received or is entitled to re-
9 ceive compensation with respect to a loss from insurance
10 or any other source, the court shall order that restitution
11 be paid to the person who provided or is obligated to pro-
12 vide the compensation, but the restitution order shall pro-
13 vide that all restitution of victims required by the order
14 be paid to the victims before any restitution is paid to
15 such a provider of compensation.

16 “(2) The issuance of a restitution order shall not af-
17 fect the entitlement of a victim to receive compensation
18 with respect to a loss from insurance or any other source
19 until the payments actually received by the victim under
20 the restitution order fully compensate the victim for the
21 loss, at which time a person that has provided compensa-
22 tion to the victim shall be entitled to receive any payments
23 remaining to be paid under the restitution order.

1 “(3) Any amount paid to a victim under an order of
2 restitution shall be set off against any amount later recov-
3 ered as compensatory damages by the victim in—

4 “(A) any Federal civil proceeding; and

5 “(B) any State civil proceeding, to the extent
6 provided by the law of the State.

7 “(i) A restitution order shall provide that—

8 “(1) all fines, penalties, costs, restitution pay-
9 ments and other forms of transfers of money or
10 property made pursuant to the sentence of the court
11 shall be made by the offender to an entity des-
12 ignated by the Director of the Administrative Office
13 of the United States Courts for accounting and pay-
14 ment by the entity in accordance with this sub-
15 section;

16 “(2) the entity designated by the Director of
17 the Administrative Office of the United States
18 Courts shall—

19 “(A) log all transfers in a manner that
20 tracks the offender’s obligations and the cur-
21 rent status in meeting those obligations, unless,
22 after efforts have been made to enforce the res-
23 titution order and it appears that compliance
24 cannot be obtained, the court determines that

1 continued recordkeeping under this subpara-
2 graph would not be useful;

3 “(B) notify the court and the interested
4 parties when an offender is 90 days in arrears
5 in meeting those obligations; and

6 “(C) disburse money received from an of-
7 fender so that each of the following obligations
8 is paid in full in the following sequence:

9 “(i) a penalty assessment under sec-
10 tion 3013;

11 “(ii) restitution of all victims; and

12 “(iii) all other fines, penalties, costs,
13 and other payments required under the
14 sentence; and

15 “(3) the offender shall advise the entity des-
16 ignated by the Director of the Administrative Office
17 of the United States Courts of any change in the of-
18 fender’s address during the term of the restitution
19 order.

20 “(j) A restitution order shall constitute a lien against
21 all property of the offender and may be recorded in any
22 Federal or State office for the recording of liens against
23 real or personal property.

24 “(k) Compliance with the schedule of payment and
25 other terms of a restitution order shall be a condition of

1 any probation, parole, or other form of release of an of-
2 fender. If a defendant fails to comply with a restitution
3 order, the court may revoke probation or a term of super-
4 vised release, modify the term or conditions of probation
5 or a term of supervised release, hold the defendant in con-
6 tempt of court, enter a restraining order or injunction,
7 order the sale of property of the defendant, accept a per-
8 formance bond, or take any other action necessary to ob-
9 tain compliance with the restitution order. In determining
10 what action to take, the court shall consider the defend-
11 ant's employment status, earning ability, financial re-
12 sources, the willfulness in failing to comply with the res-
13 titution order, and any other circumstances that may have
14 a bearing on the defendant's ability to comply with the
15 restitution order.

16 “(l) An order of restitution may be enforced—

17 “(1) by the United States—

18 “(A) in the manner provided for the collec-
19 tion and payment of fines in subchapter B of
20 chapter 229; or

21 “(B) in the same manner as a judgment in
22 a civil action; and

23 “(2) by a victim named in the order to receive
24 restitution, in the same manner as a judgment in a
25 civil action.

1 “(m) A victim or the offender may petition the court
2 at any time to modify a restitution order as appropriate
3 in view of a change in the economic circumstances of the
4 offender.”.

5 (b) PROCEDURE FOR ISSUING ORDER OF RESTITU-
6 TION.—Section 3664 of title 18, United States Code, is
7 amended—

8 (1) by striking subsection (a);

9 (2) by redesignating subsections (b), (c), (d),
10 and (e) as subsections (a), (b), (c), and (d);

11 (3) by amending subsection (a), as redesignated
12 by paragraph (2), to read as follows:

13 “(a) The court may order the probation service of the
14 court to obtain information pertaining to the amount of
15 loss sustained by any victim as a result of the offense,
16 the financial resources of the defendant, the financial
17 needs and earning ability of the defendant and the defend-
18 ant’s dependents, and such other factors as the court
19 deems appropriate. The probation service of the court
20 shall include the information collected in the report of
21 presentence investigation or in a separate report, as the
22 court directs.”; and

23 (4) by adding at the end the following new sub-
24 section:

1 “(e) The court may refer any issue arising in connec-
2 tion with a proposed order of restitution to a magistrate
3 or special master for proposed findings of fact and rec-
4 ommendations as to disposition, subject to a de novo de-
5 termination of the issue by the court.”.

6 **Subtitle B—National Child**
7 **Protection Act**

8 **SEC. 911. SHORT TITLE.**

9 This subtitle may be cited as the “National Child
10 Protection Act of 1993”.

11 **SEC. 912. FINDINGS AND PURPOSES.**

12 (a) FINDINGS.—The Congress finds that—

13 (1) more than 2,500,000 reports of suspected
14 child abuse and neglect are made each year, and in-
15 creases have occurred in recent years in the abuse
16 of children by persons who have previously commit-
17 ted crimes of child abuse or other serious crimes;

18 (2) although the great majority of child care
19 providers are caring and dedicated professionals,
20 child abusers and others who harm or prey on chil-
21 dren frequently seek employment in or volunteer for
22 positions that give them access to children;

23 (3) nearly 6,000,000 children received day care
24 in 1990, and this total is growing rapidly to an esti-
25 mated 8,000,000 children by 1995;

1 (4) exposure to child abusers and others who
2 harm or prey on children is harmful to the physical
3 and emotional well-being of children;

4 (5) there is no reliable, centralized national
5 source through which child care organizations may
6 obtain the benefit of a nationwide criminal back-
7 ground check on persons who provide or seek to pro-
8 vide child care;

9 (6) some States maintain automated criminal
10 background files and provide criminal history infor-
11 mation to child care organizations on persons who
12 provide or seek to provide child care; and

13 (7) because State and national criminal jus-
14 tice databases are inadequate to permit effective na-
15 tional background checks, persons convicted of
16 crimes of child abuse or other serious crimes may
17 gain employment at a child care organization.

18 (b) PURPOSES.—The purposes of this subtitle are—

19 (1) to establish a national system through
20 which child care organizations may obtain the bene-
21 fit of a nationwide criminal background check to de-
22 termine if persons who are current or prospective
23 child care providers have committed child abuse
24 crimes or other serious crimes;

1 (2) to establish minimum criteria for State laws
2 and procedures that permit child care organizations
3 to obtain the benefit of nationwide criminal back-
4 ground checks to determine if persons who are cur-
5 rent or prospective child care providers have commit-
6 ted child abuse crimes or other serious crimes;

7 (3) to provide procedural rights for persons who
8 are subject to nationwide criminal background
9 checks, including procedures to challenge and correct
10 inaccurate background check information;

11 (4) to establish a national system for the re-
12 porting by the States of child abuse crime informa-
13 tion; and

14 (5) to document and study the problem of child
15 abuse by providing statistical and informational data
16 on child abuse and related crimes to the Department
17 of Justice and other interested parties.

18 **SEC. 913. DEFINITIONS.**

19 In this subtitle—

20 “authorized agency” means a division or office
21 of a State designated by a State to report, receive,
22 or disseminate information under this subtitle.

23 “background check crime” means a child abuse
24 crime, murder, manslaughter, aggravated assault,
25 kidnapping, arson, sexual assault, domestic violence,

1 incest, indecent exposure, prostitution, promotion of
2 prostitution, and a felony offense involving the use
3 or distribution of a controlled substance.

4 “child” means a person who is a child for pur-
5 poses of the criminal child abuse law of a State.

6 “child abuse” means the physical or mental in-
7 jury, sexual abuse or exploitation, neglectful treat-
8 ment, negligent treatment, or maltreatment of a
9 child by any person in violation of the criminal child
10 abuse laws of a State, but does not include discipline
11 administered by a parent or legal guardian to his or
12 her child provided it is reasonable in manner and
13 moderate in degree and otherwise does not con-
14 stitute cruelty.

15 “child abuse crime” means a crime committed
16 under any law of a State that establishes criminal
17 penalties for the commission of child abuse by a par-
18 ent or other family member of a child or by any
19 other person.

20 “child abuse crime information” means the fol-
21 lowing facts concerning a person who is under in-
22 dictment for, or has been convicted of, a child abuse
23 crime: full name, social security number, age, race,
24 sex, date of birth, height, weight, hair and eye color,
25 legal residence address, a brief description of the

1 child abuse crime or offenses for which the person
2 is under indictment or has been convicted, and any
3 other information that the Attorney General deter-
4 mines may be useful in identifying persons under in-
5 dictment for, or convicted of, a child abuse crime.

6 “child care” means the provision of care, treat-
7 ment, education, training, instruction, supervision,
8 or recreation to children.

9 “domestic violence” means a felony or mis-
10 demeanor involving the use or threatened use of
11 force by—

12 (A) a present or former spouse of the vic-
13 tim;

14 (B) a person with whom the victim shares
15 a child in common;

16 (C) a person who is cohabiting with or has
17 cohabited with the victim as a spouse; or

18 (D) any person defined as a spouse of the
19 victim under the domestic or family violence
20 laws of a State.

21 “exploitation” means child pornography and
22 child prostitution.

23 “mental injury” means harm to a child’s psy-
24 chological or intellectual functioning, which may be
25 exhibited by severe anxiety, depression, withdrawal

1 or outward aggressive behavior, or a combination of
2 those behaviors or by a change in behavior, emo-
3 tional response, or cognition.

4 “national criminal background check system”
5 means the system of information and identification
6 relating to convicted and accused child abuse offend-
7 ers that is maintained by the Attorney General
8 under this subtitle.

9 “negligent treatment” means the failure to pro-
10 vide, for a reason other than poverty, adequate food,
11 clothing, shelter, or medical care so as to seriously
12 endanger the physical health of a child.

13 “physical injury” includes lacerations, fractured
14 bones, burns, internal injuries, severe bruising, and
15 serious bodily harm.

16 “provider” means

17 (A) a person who—

18 (i) is employed by or volunteers with
19 a qualified entity;

20 (ii) who owns or operates a qualified
21 entity; or

22 (iii) who has or may have unsuper-
23 vised access to a child to whom the quali-
24 fied entity provides child care; and

25 (B) a person who—

1 (i) seeks to be employed by or volun-
2 teer with a qualified entity;

3 (ii) seeks to own or operate a qualified
4 entity; or

5 (iii) seeks to have or may have unsu-
6 pervised access to a child to whom the
7 qualified entity provides child care.

8 “qualified entity” means a business or organi-
9 zation, whether public, private, for-profit, not-for-
10 profit, or voluntary, that provides child care or child
11 care placement services, including a business or or-
12 ganization that licenses or certifies others to provide
13 child care or child care placement services.

14 “sex crime” means an act of sexual abuse that
15 is a criminal act.

16 “sexual abuse” includes the employment, use,
17 persuasion, inducement, enticement, or coercion of a
18 child to engage in, or assist another person to en-
19 gage in, sexually explicit conduct or the rape, moles-
20 tation, prostitution, or other form of sexual exploi-
21 tation of children or incest with children.

22 “State” means a State, the District of Colum-
23 bia, the Commonwealth of Puerto Rico, American
24 Samoa, the Virgin Islands, Guam, and the Trust
25 Territories of the Pacific.

1 **SEC. 914. REPORTING BY THE STATES.**

2 (a) IN GENERAL.—An authorized agency of a State
3 shall report child abuse crime information to the national
4 criminal background check system.

5 (b) PROVISION OF STATE CHILD ABUSE CRIME
6 RECORDS TO THE NATIONAL CRIMINAL BACKGROUND
7 CHECK SYSTEM.—(1) Not later than 180 days after the
8 date of enactment of this Act, the Attorney General
9 shall—

10 (A) investigate the criminal records of each
11 State and determine for each State a timetable by
12 which the State should be able to provide child
13 abuse crime records on an on-line capacity basis to
14 the national criminal background check system;

15 (B) establish guidelines for the reporting of
16 child abuse crime information, including guidelines
17 relating to the format, content, and accuracy of child
18 abuse crime information and other procedures for
19 carrying out this subtitle; and

20 (C) notify each State of the determinations
21 made pursuant to subparagraphs (A) and (B).

22 (2) The Attorney General shall require as a part of
23 the State timetable that the State—

24 (A) achieve, by not later than the date that is
25 3 years after the date of enactment of this Act, at
26 least 80 percent currency of child abuse crime case

1 dispositions in computerized criminal history files for
2 all child abuse crime cases in which there has been
3 an entry of activity within the last 5 years; and

4 (B) continue to maintain such a system.

5 (c) EXCHANGE OF INFORMATION.—An authorized
6 agency of a State shall maintain close liaison with the Na-
7 tional Center on Child Abuse and Neglect, the National
8 Center for Missing and Exploited Children, and the Na-
9 tional Center for the Prosecution of Child Abuse for the
10 exchange of information and technical assistance in cases
11 of child abuse.

12 (d) ANNUAL SUMMARY.—(1) The Attorney General
13 shall publish an annual statistical summary of the child
14 abuse crime information reported under this subtitle.

15 (2) The annual statistical summary described in
16 paragraph (1) shall not contain any information that may
17 reveal the identity of any particular victim of a crime.

18 (e) ANNUAL REPORT.—The Attorney General shall
19 publish an annual summary of each State's progress in
20 reporting child abuse crime information to the national
21 criminal background check system.

22 (f) STUDY OF CHILD ABUSE OFFENDERS.—(1) Not
23 later than 180 days after the date of enactment of this
24 Act, the Administrator of the Office of Juvenile Justice
25 and Delinquency Prevention shall begin a study based on

1 a statistically significant sample of convicted child abuse
2 offenders and other relevant information to determine—

3 (A) the percentage of convicted child abuse of-
4 fenders who have more than 1 conviction for an of-
5 fense involving child abuse;

6 (B) the percentage of convicted child abuse of-
7 fenders who have been convicted of an offense in-
8 volving child abuse in more than 1 State;

9 (C) whether there are crimes or classes of
10 crimes, in addition to those defined as background
11 check crimes in section 883, that are indicative of a
12 potential to abuse children; and

13 (D) the extent to which and the manner in
14 which instances of child abuse form a basis for con-
15 victions for crimes other than child abuse crimes.

16 (2) Not later than 1 year after the date of enactment
17 of this Act, the Administrator shall submit a report to the
18 Chairman of the Committee on the Judiciary of the Senate
19 and the Chairman of the Committee on the Judiciary of
20 the House of Representatives containing a description of
21 and a summary of the results of the study conducted pur-
22 suant to paragraph (1).

23 **SEC. 915. BACKGROUND CHECKS.**

24 (a) IN GENERAL.—(1) A State may have in effect
25 procedures (established by or under State statute or regu-

1 lation) to permit a qualified entity to contact an author-
2 ized agency of the State to request a nationwide back-
3 ground check for the purpose of determining whether
4 there is a report that a provider is under indictment for,
5 or has been convicted of, a background check crime.

6 (2) The authorized agency shall access and review
7 State and Federal records of background check crimes
8 through the national criminal background check system
9 and other criminal justice recordkeeping systems and shall
10 respond promptly to the inquiry.

11 (b) GUIDELINES.—(1) The Attorney General shall es-
12 tablish guidelines for State background check procedures
13 established under subsection (a), including procedures for
14 carrying out the purposes of this subtitle.

15 (2) The guidelines established under paragraph (1)
16 shall require—

17 (A) that no qualified entity may request a back-
18 ground check of a provider under subsection (a) un-
19 less the provider first completes and signs a state-
20 ment that—

21 (i) contains the name, address, and date of
22 birth appearing on a valid identification docu-
23 ment (as defined by section 1028(d)(1) of title
24 18, United States Code) of the provider;

1 (ii) the provider is not under indictment
2 for, and has not been convicted of, a back-
3 ground check crime and, if the provider is
4 under indictment for or has been convicted of
5 a background check crime, contains a descrip-
6 tion of the crime and the particulars of the in-
7 dictment or conviction;

8 (iii) notifies the provider that the entity
9 may request a background check under sub-
10 section (a);

11 (iv) notifies the provider of the provider's
12 rights under subparagraph (B); and

13 (v) notifies the provider that prior to the
14 receipt of the background check the qualified
15 entity may choose to deny the provider unsuper-
16 vised access to a child to whom the qualified en-
17 tity provides child care;

18 (B) that each State establish procedures under
19 which a provider who is the subject of a background
20 check under subsection (a) is entitled—

21 (i) to obtain a copy of any background
22 check report and any record that forms the
23 basis for any such report; and

24 (ii) to challenge the accuracy and com-
25 pleteness of any information contained in any

1 such report or record and obtain a prompt de-
2 termination from an authorized agency as to
3 the validity of such challenge;

4 (C) that an authorized agency to which a quali-
5 fied entity has provided notice pursuant to sub-
6 section (a) make reasonable efforts to complete re-
7 search in whatever State and local recordkeeping
8 systems are available and in the national criminal
9 background check system and respond to the quali-
10 fied entity within 15 business days;

11 (D) that the response of an authorized agency
12 to an inquiry pursuant to subsection (a) informs the
13 qualified entity that the background check pursuant
14 to this section—

15 (i) may not reflect all indictments or con-
16 victions for a background check crime;

17 (ii) is not certain to include arrest infor-
18 mation; and

19 (iii) should not be the sole basis for deter-
20 mining the fitness of a provider;

21 (E) that the response of an authorized agency
22 to an inquiry pursuant to subsection (a)—

23 (i) at a minimum, states whether the back-
24 ground check information set forth in the iden-

1 tification document required under subpara-
2 graph (A) is complete and accurate; and

3 (ii) be limited to the information reason-
4 ably required to accomplish the purposes of this
5 subtitle;

6 (F) that no qualified entity may take action ad-
7 verse to a provider, except that the qualified entity
8 may choose to deny the provider unsupervised access
9 to a child to whom the qualified entity provides child
10 care, on the basis of a background check under sub-
11 section (a) until the provider has obtained a deter-
12 mination as to the validity of any challenge under
13 subparagraph (B) or waived the right to make such
14 challenge;

15 (G) that each State establish procedures to en-
16 sure that any background check under subsection
17 (a) and the results thereof shall be requested by and
18 provided only to—

19 (i) qualified entities identified by States;

20 (ii) authorized representatives of a quali-
21 fied entity who have a need to know such infor-
22 mation;

23 (iii) the providers;

24 (iv) law enforcement authorities; or

1 (v) pursuant to the direction of a court of
2 law;

3 (H) that background check information con-
4 veyed to a qualified entity pursuant to subsection (a)
5 shall not be conveyed to any person except as pro-
6 vided under subparagraph (G);

7 (I) that an authorized agency shall not be liable
8 in an action at law for damages for failure to pre-
9 vent a qualified entity from taking action adverse to
10 a provider on the basis of a background check; and

11 (J) that a State employee or a political subdivi-
12 sion of a State or employee thereof responsible for
13 providing information to the national criminal back-
14 ground check system shall not be liable in an action
15 at law for damages for failure to prevent a qualified
16 entity from taking action adverse to a provider on
17 the basis of a background check.

18 (c) EQUIVALENT PROCEDURES.—(1) Notwithstand-
19 ing anything to the contrary in this section, the Attorney
20 General may certify that a State licensing or certification
21 procedure that differs from the procedures described in
22 subsections (a) and (b) shall be deemed to be the equiva-
23 lent of such procedures for purposes of this subtitle, but
24 the procedures described in subsections (a) and (b) shall
25 continue to apply to those qualified entities, providers, and

1 background check crimes that are not governed by or in-
2 cluded within the State licensing or certification proce-
3 dure.

4 (2) The Attorney General shall by regulation estab-
5 lish criteria for certifications under this subsection. Such
6 criteria shall include a finding by the Attorney General
7 that the State licensing or certification procedure accom-
8 plishes the purposes of this subtitle and incorporates a na-
9 tionwide review of State and Federal records of back-
10 ground check offenses through the national criminal back-
11 ground check system.

12 (d) RECORDS EXCHANGE.—The Attorney General
13 may exchange Federal Bureau of Investigation identifica-
14 tion records with authorized agencies for purposes of back-
15 ground checks under subsection (a) and may by regulation
16 authorize further dissemination of such records by author-
17 ized agencies for such purposes.

18 (e) REGULATIONS.—(1) The Attorney General shall
19 by regulation prescribe such other measures as may be
20 required to carry out the purposes of this subtitle, includ-
21 ing measures relating to the security, confidentiality, accu-
22 racy, use, misuse, and dissemination of information, and
23 audits and recordkeeping.

1 (2) The Attorney General shall, to the maximum ex-
2 tent possible, encourage the use of the best technology
3 available in conducting background checks.

4 **SEC. 916. FUNDING FOR IMPROVEMENT OF CHILD ABUSE**
5 **CRIME INFORMATION.**

6 (a) USE OF FORMULA GRANTS FOR IMPROVEMENTS
7 IN STATE RECORDS AND SYSTEMS.—Section 509(b) of
8 title I of the Omnibus Crime Control and Safe Streets Act
9 of 1968 (42 U.S.C. 3759(b)) is amended—

10 (1) in paragraph (2) by striking “and” after
11 the semicolon;

12 (2) in paragraph (3) by striking the period and
13 inserting “; and”; and

14 (3) by adding at the end the following new
15 paragraph:

16 “(4) the improvement of State record systems
17 and the sharing of all of the records described in
18 paragraphs (1), (2), and (3) and the records re-
19 quired by the Attorney General under section 884 of
20 the National Child Protection Act of 1993 with the
21 Attorney General for the purpose of implementing
22 the National Child Protection Act of 1993.”.

23 (b) ADDITIONAL FUNDING GRANTS FOR THE IM-
24 PROVEMENT OF CHILD ABUSE CRIME INFORMATION.—

25 (1) The Attorney General shall, subject to appropriations

1 and with preference to States that as of the date of enact-
2 ment of this Act have the lowest percent currency of case
3 dispositions in computerized criminal history files, make
4 a grant to each State to be used—

5 (A) for the computerization of criminal history
6 files for the purposes of this subtitle;

7 (B) for the improvement of existing computer-
8 ized criminal history files for the purposes of this
9 subtitle;

10 (C) to improve accessibility to the national
11 criminal background check system for the purposes
12 of this subtitle; and

13 (D) to assist the State in the transmittal of
14 criminal records to, or the indexing of criminal his-
15 tory records in, the national criminal background
16 check system for the purposes of this subtitle.

17 (2) There are authorized to be appropriated for
18 grants under paragraph (1) \$20,000,000 for fiscal year
19 1994 and \$10,000,000 for each of fiscal years 1995 and
20 1996.

21 (c) WITHHOLDING STATE FUNDS.—Effective 1 year
22 after the date of enactment of this Act, the Attorney Gen-
23 eral may reduce by up to 10 percent the allocation to a
24 State for a fiscal year under title I of the Omnibus Crime
25 Control and Safe Streets Act of 1968 of a State that is

1 not in compliance with the timetable established for that
2 State under section 914.

3 **Subtitle C—Jacob Wetterling**
4 **Crimes Against Children Reg-**
5 **istration Act**

6 **SEC. 921. SHORT TITLE.**

7 This subtitle may be cited as the “Jacob Wetterling
8 Crimes Against Children Registration Act”.

9 **SEC. 922. ESTABLISHMENT OF PROGRAM.**

10 (a) IN GENERAL.—

11 (1) STATE GUIDELINES.—The Attorney General
12 shall establish guidelines for State programs requir-
13 ing any person who is convicted of a criminal offense
14 against a victim who is a minor to register a current
15 address with a designated State law enforcement
16 agency for 10 years after release from prison, being
17 placed on parole, or being placed on supervised re-
18 lease.

19 (2) DEFINITION.—For purposes of this sub-
20 section, “criminal offense against a victim who is a
21 minor” includes—

22 (A) kidnapping of a minor, except by a
23 noncustodial parent;

24 (B) false imprisonment of a minor, except
25 by a noncustodial parent;

1 (C) criminal sexual conduct toward a
2 minor;

3 (D) solicitation of minors to engage in sex-
4 ual conduct;

5 (E) use of minors in a sexual performance;
6 or

7 (F) solicitation of minors to practice pros-
8 titution.

9 (b) REGISTRATION REQUIREMENT UPON RELEASE,
10 PAROLE, OR SUPERVISED RELEASE.—An approved State
11 registration program established by this section shall con-
12 tain the following requirements:

13 (1) NOTIFICATION.—If a person who is re-
14 quired to register under this section is released from
15 prison, paroled, or placed on supervised release, a
16 State prison officer shall—

17 (A) inform the person of the duty to reg-
18 ister;

19 (B) inform the person that if the person
20 changes residence address, the person shall give
21 the new address to a designated State law en-
22 forcement agency in writing within 10 days;

23 (C) obtain fingerprints and a photograph
24 of the person if these have not already been ob-

1 tained in connection with the offense that trig-
2 gers registration; and

3 (D) require the person to read and sign a
4 form stating that the duty of the person to reg-
5 ister under this section has been explained.

6 (2) TRANSFER OF INFORMATION TO STATE AND
7 THE FBI.—The officer shall, within 3 days after re-
8 ceipt of information described in paragraph (1), for-
9 ward it to a designated State law enforcement agen-
10 cy. The State law enforcement agency shall imme-
11 diately enter the information into the appropriate
12 State law enforcement record system and notify the
13 appropriate law enforcement agency having jurisdic-
14 tion where the person expects to reside. The State
15 law enforcement agency shall also immediately
16 transmit the conviction data and fingerprints to the
17 Identification Division of the Federal Bureau of In-
18 vestigation.

19 (3) ANNUAL VERIFICATION.—On each anniver-
20 sary of a person's initial registration date during the
21 period in which the person is required to register
22 under this section, the designated State law enforce-
23 ment agency shall mail a nonforwardable verification
24 form to the last reported address of the person. The
25 person shall mail the verification form to the officer

1 within 10 days after receipt of the form. The ver-
2 ification form shall be signed by the person, and
3 state that the person still resides at the address last
4 reported to the designated State law enforcement
5 agency. If the person fails to mail the verification
6 form to the designated State law enforcement agen-
7 cy within 10 days after receipt of the form, the per-
8 son shall be in violation of this section unless the
9 person proves that the person has not changed his
10 or her residence address.

11 (4) NOTIFICATION OF LOCAL LAW ENFORCE-
12 MENT AGENCIES OF CHANGES IN ADDRESS.—Any
13 change of address by a person required to register
14 under this section reported to the designated State
15 law enforcement agency shall immediately be re-
16 ported to the appropriate law enforcement agency
17 having jurisdiction where the person is residing.

18 (c) REGISTRATION FOR 10 YEARS.—A person re-
19 quired to register under this section shall continue to com-
20 ply with this section until 10 years have elapsed since the
21 person was released from imprisonment, or placed on pa-
22 role or supervised release.

23 (d) PENALTY.—A person required to register under
24 a State program established pursuant to this section who
25 knowingly fails to so register and keep such registration

1 current shall be subject to criminal penalties in such State.
2 It is the sense of Congress that such penalties should in-
3 clude at least 6 months' imprisonment.

4 (e) PRIVATE DATA.—The information provided under
5 this section is private data on individuals and may be used
6 for law enforcement purposes and confidential background
7 checks conducted with fingerprints for child care services
8 providers.

9 **SEC. 923. STATE COMPLIANCE.**

10 (a) COMPLIANCE DATE.—Each State shall have 3
11 years from the date of the enactment of this Act in which
12 to implement this subtitle.

13 (b) INELIGIBILITY FOR FUNDS.—The allocation of
14 funds under section 506 of title I of the Omnibus Crime
15 Control and Safe Streets Act of 1968 (42 U.S.C. 3756)
16 received by a State not complying with this subtitle 3
17 years after the date of enactment of this Act shall be re-
18 duced by 25 percent and the unallocated funds shall be
19 reallocated to the States in compliance with this section.

1 **TITLE X—VIOLENT CRIMES AND**
 2 **LAW ENFORCEMENT SUPPORT**
 3 **Subtitle A—Violent Crimes**

4 **SEC. 1001. ADDITION OF ATTEMPTED ROBBERY, KIDNAP-**
 5 **PING, SMUGGLING, AND PROPERTY DAMAGE**
 6 **OFFENSES TO ELIMINATE INCONSISTENCIES**
 7 **AND GAPS IN COVERAGE.**

8 (a) ROBBERY AND BURGLARY.—(1) Section 2111 of
 9 title 18, United States Code, is amended by inserting “or
 10 attempts to take” after “takes”.

11 (2) Section 2112 of title 18, United States Code, is
 12 amended by inserting “or attempts to rob” after “robs”.

13 (3) Section 2114 of title 18, United States Code, is
 14 amended by inserting “or attempts to rob” after “robs”.

15 (b) KIDNAPPING.—Section 1201(d) of title 18, Unit-
 16 ed States Code, is amended by striking “Whoever at-
 17 tempts to violate subsection (a)(4) or (a)(5)” and insert-
 18 ing “Whoever attempts to violate subsection (a)”.

19 (c) SMUGGLING.—Section 545 of title 18, United
 20 States Code, is amended by inserting “or attempts to
 21 smuggle or clandestinely introduce” after “smuggles, or
 22 clandestinely introduces”.

23 (d) MALICIOUS MISCHIEF.—(1) Section 1361 of title
 24 18, United States Code, is amended—

1 (A) by inserting “or attempts to commit any of
2 the foregoing offenses” before “shall be punished”,
3 and

4 (B) by inserting “or attempted damage” after
5 “damage” each place it appears.

6 (2) Section 1362 of title 18, United States Code, is
7 amended by inserting “or attempts willfully or maliciously
8 to injure or destroy” after “willfully or maliciously injures
9 or destroys”.

10 (3) Section 1366 of title 18, United States Code, is
11 amended—

12 (A) by inserting “or attempts to damage” after
13 “damages” each place it appears;

14 (B) by inserting “or attempts to cause” after
15 “causes”; and

16 (C) by inserting “or would if the attempted of-
17 fense had been completed have exceeded” after “ex-
18 ceeds” each place it appears.

19 **SEC. 1002. INCREASE IN MAXIMUM PENALTY FOR ASSAULT.**

20 (a) CERTAIN OFFICERS AND EMPLOYEES.—Section
21 111 of title 18, United States Code, is amended—

22 (1) in subsection (a) by inserting “, where the
23 acts in violation of this section constitute only simple
24 assault, be fined under this title, imprisoned not

1 more than 1 year, or both, and in all other cases,”
2 after “shall”; and

3 (2) in subsection (b) by inserting “or inflicts
4 bodily injury” after “weapon”.

5 (b) FOREIGN OFFICIALS, OFFICIAL GUESTS, AND
6 INTERNATIONALLY PROTECTED PERSONS.—Section
7 112(a) of title 18, United States Code, is amended—

8 (1) by striking “not more than \$5,000” and in-
9 serting “under this title”;

10 (2) by inserting “, or inflicts bodily injury,”
11 after “weapon”; and

12 (3) by striking “not more than \$10,000” and
13 inserting “under this title”.

14 (c) MARITIME AND TERRITORIAL JURISDICTION.—
15 Section 113 of title 18, United States Code, is amended—

16 (1) in subsection (c)—

17 (A) by striking “of not more than \$1,000”
18 and inserting “under this title”; and

19 (B) by striking “five” and inserting “10”;
20 and

21 (2) in subsection (e)—

22 (A) by striking “of not more than \$300”
23 and inserting “under this title”; and

24 (B) by striking “three” and inserting “6”.

1 (d) CONGRESS, CABINET, OR SUPREME COURT.—
2 Section 351(e) of title 18, United States Code, is amend-
3 ed—

4 (1) by striking “not more than \$5,000,” and in-
5 serting “under this title,”;

6 (2) by inserting “the assault involved the use of
7 a dangerous weapon, or” after “if”;

8 (3) by striking “not more than \$10,000” and
9 inserting “under this title”; and

10 (4) by striking “for”.

11 (e) PRESIDENT AND PRESIDENT’S STAFF.—Section
12 1751(e) of title 18, United States Code, is amended—

13 (1) by striking “not more than \$10,000,” each
14 place it appears and inserting “under this title,”;

15 (2) by striking “not more than \$5,000,” and in-
16 serting “under this title,”; and

17 (3) by inserting “the assault involved the use of
18 a dangerous weapon, or” after “if”.

19 **SEC. 1003. INCREASED MAXIMUM PENALTY FOR MAN-**
20 **SLAUGHTER.**

21 Section 1112 of title 18, United States Code, is
22 amended—

23 (1) in subsection (b)—

1 (A) by inserting “fined under this title or”
2 after “shall be” in the second undesignated
3 paragraph; and

4 (B) by inserting “, or both” after “years”;
5 (2) by striking “not more than \$1,000” and in-
6 serting “under this title”; and

7 (3) by striking “three” and inserting “6”.

8 **SEC. 1004. INCREASED PENALTY FOR TRAVEL ACT VIOLA-**
9 **TIONS.**

10 Section 1952(a) of title 18, United States Code, is
11 amended by striking “and thereafter performs or attempts
12 to perform any of the acts specified in subparagraphs (1),
13 (2), and (3), shall be fined not more than \$10,000 or im-
14 prisoned for not more than five years, or both” and insert-
15 ing “and thereafter performs or attempts to perform—

16 “(A) an act described in paragraph (1) or (3)
17 shall be fined under this title, imprisoned not more
18 than 5 years, or both; or

19 “(B) an act described in paragraph (2) shall be
20 fined under this title, imprisoned for not more than
21 20 years, or both, and if death results shall be im-
22 prisoned for any term of years or for life.”.

1 **SEC. 1005. INCREASED PENALTY FOR CONSPIRACY TO COM-**
2 **MIT MURDER FOR HIRE.**

3 Section 1958(a) of title 18, United States Code, is
4 amended by inserting “or who conspires to do so” before
5 “shall be fined” the first place it appears.

6 **SEC. 1006. FEDERAL PENALTIES FOR CARJACKING.**

7 Section 2119 of title 18, United States Code, is
8 amended to read as follows:

9 “(a) DEFINITION.—In this section, ‘covered motor
10 vehicle’ means a motor vehicle that has been transported,
11 shipped, or received in interstate or foreign commerce.

12 “(b) OFFENSES.—A person who, while in possession
13 of a firearm (as defined in section 921) or other weapon
14 or dangerous device—

15 “(1) intentionally strikes or otherwise makes
16 physical contact with a covered motor vehicle with a
17 motor vehicle operated by the person, with any other
18 thing, or with any part of the person’s body, in one
19 of the circumstances described in subsection (c); or

20 “(2) takes a covered motor vehicle from the
21 person or presence of another by force and violence
22 or by intimidation, or attempts to do so,
23 shall be punished under subsection (d).

24 “(c) CIRCUMSTANCES IN WHICH OFFENSE OC-
25 CURS.—The circumstances referred to in subsection (b)(1)
26 are that—

1 “(1) the person makes the contact with the in-
 2 tent to injure an occupant of the motor vehicle or to
 3 take or cause damage to the motor vehicle; or

4 “(2) in the course of events immediately follow-
 5 ing the contact, an occupant of the motor vehicle is
 6 injured or the motor vehicle is taken or damaged.

7 “(d) PENALTIES.—A person who violates subsection
 8 (b) shall—

9 “(1) be fined under this title or imprisoned not
 10 more than 15 years, or both;

11 “(2) if serious bodily injury (as defined in sec-
 12 tion 1365) results, be fined under this title or im-
 13 prisoned not more than 25 years, or both; and

14 “(3) if death results, be fined under this title
 15 or imprisoned for any number of years up to life, or
 16 both, or sentenced to death.”.

17 **SEC. 1007. INCREASED MANDATORY MINIMUM SENTENCES**
 18 **FOR CRIMINALS USING FIREARMS.**

19 Section 924(c)(1) of title 18, United States Code, is
 20 amended to read as follows:

21 “(c)(1)(A) Whoever, during and in relation to any
 22 crime of violence or drug trafficking crime (including a
 23 crime of violence or drug trafficking crime which provides
 24 for an enhanced punishment if committed by the use of
 25 a deadly or dangerous weapon or device) for which the

1 person may be prosecuted in a court of the United
2 States—

3 “(i) knowingly uses, carries, or otherwise pos-
4 sesses a firearm, shall, in addition to the punish-
5 ment provided for the underlying crime, be sen-
6 tenced to imprisonment for 10 years;

7 “(ii) discharges a firearm with intent to injure
8 another person, shall, in addition to the punishment
9 provided for the underlying crime, be sentenced to
10 imprisonment for 20 years; or

11 “(iii) knowingly uses, carries, or otherwise pos-
12 sesses a firearm that is a machinegun or destructive
13 device, or that is equipped with a firearm silencer or
14 firearm muffler, shall, in addition to the punishment
15 provided for the underlying crime, be sentenced to
16 imprisonment for 30 years.

17 “(B)(i) In the case of a second conviction under this
18 subsection, a person shall, in addition to the punishment
19 provided for the underlying crime, be sentenced to impris-
20 onment for 20 years for a violation of subparagraph
21 (A)(i), to imprisonment for 30 years for a violation of sub-
22 paragraph (A)(ii), and life imprisonment for a violation
23 of subparagraph (A)(iii).

24 “(ii) In the case of a third or subsequent conviction
25 under this subsection, or a conviction for a violation of

1 subparagraph (A)(ii) that results in the death of another
2 person, a person shall be sentenced to death or life impris-
3 onment.

4 “(C) Notwithstanding any other law, a term of im-
5 prisonment under this subsection shall not run concur-
6 rently with any other term of imprisonment imposed for
7 the underlying crime.

8 “(D) For the purposes of paragraph (A), a person
9 shall be considered to be in possession of a firearm if the
10 person has a firearm readily available at the scene of the
11 crime during the commission of the crime.”.

12 **SEC. 1008. LIFE IMPRISONMENT WITHOUT RELEASE FOR**
13 **CRIMINALS CONVICTED A THIRD TIME.**

14 Section 401(b)(1)(A) of the Controlled Substances
15 Act (21 U.S.C. 841(b)(1)(A)) is amended by striking “If
16 any person commits a violation of this subparagraph or
17 of section 418, 419, or 420 after two or more prior convic-
18 tions for a felony drug offense have become final, such
19 person shall be sentenced to a mandatory term of life im-
20 prisonment without release and fined in accordance with
21 the preceding sentence.” and inserting “If any person
22 commits a violation of this subparagraph or of section
23 418, 419, or 420 or a crime of violence after two or more
24 prior convictions for a felony drug offense or crime of vio-
25 lence or for any combination thereof have become final,

1 such person shall be sentenced to not less than a manda-
 2 tory term of life imprisonment without release and fined
 3 in accordance with the preceding sentence. For purposes
 4 of this subparagraph, the term ‘crime of violence’ means
 5 an offense that is a felony punishable by a maximum term
 6 of imprisonment of 10 years or more and has as an ele-
 7 ment the use, attempted use, or threatened use of physical
 8 force against the person or property of another, or by its
 9 nature involves a substantial risk that physical force
 10 against the person or property of another may be used
 11 in the course of committing the offense.”.

12 **Subtitle B—National Commission** 13 **to Support Law Enforcement**

14 **SEC. 1021. SHORT TITLE.**

15 This subtitle may be cited as the “National Commis-
 16 sion to Support Law Enforcement Act.”.

17 **SEC. 1022. FINDINGS.**

18 The Congress finds that—

19 (1) law enforcement officers risk their lives
 20 daily to protect citizens, for modest rewards and too
 21 little recognition;

22 (2) a significant shift has occurred in the prob-
 23 lems that law enforcement officers face without a
 24 corresponding change in the support from the Fed-
 25 eral Government;

1 (3) law enforcement officers are on the front
2 line in the war against drugs and crime;

3 (4) the rate of violent crime continues to in-
4 crease along with the increase in drug use;

5 (5) a large percentage of individuals arrested
6 test positive for drug usage;

7 (6) the Presidential Commission on Law En-
8 forcement and the Administration of Justice of 1965
9 focused attention on many issues affecting law en-
10 forcement, and a review 25 years later would help to
11 evaluate current problems, including drug-related
12 crime, violence, racial conflict, and decreased fund-
13 ing; and

14 (7) a comprehensive study of law enforcement
15 issues, including the role of the Federal Government
16 in supporting law enforcement officers, working con-
17 ditions, and responsibility for crime control would
18 assist in redefining the relationships among the Fed-
19 eral Government, the public, and law enforcement
20 officials.

21 **SEC. 1023. ESTABLISHMENT OF COMMISSION.**

22 There is established a national commission to be
23 known as the “National Commission to Support Law En-
24 forcement” (referred to in this subtitle as the “Commis-
25 sion”).

1 **SEC. 1024. DUTIES.**

2 (a) IN GENERAL.—The Commission shall study and
3 recommend changes regarding law enforcement agencies
4 and law enforcement issues on the Federal, State, and
5 local levels, including the following:

6 (1) FUNDING.—The sufficiency of funding, in-
7 cluding a review of grant programs at the Federal
8 level.

9 (2) EMPLOYMENT.—The conditions of law en-
10 forcement employment.

11 (3) INFORMATION.—The effectiveness of infor-
12 mation-sharing systems, intelligence, infrastructure,
13 and procedures among law enforcement agencies of
14 Federal, State, and local governments.

15 (4) RESEARCH AND TRAINING.—The status of
16 law enforcement research and education and train-
17 ing.

18 (5) EQUIPMENT AND RESOURCES.—The ade-
19 quacy of equipment, physical resources, and human
20 resources.

21 (6) COOPERATION.—The cooperation among
22 Federal, State, and local law enforcement agencies.

23 (7) RESPONSIBILITY.—The responsibility of
24 governments and law enforcement agencies in solv-
25 ing the crime problem.

1 (8) IMPACT.—The impact of the criminal jus-
2 tice system, including court schedules and prison
3 overcrowding, on law enforcement.

4 (b) CONSULTATION.—The Commission shall conduct
5 surveys and consult with focus groups of law enforcement
6 officers, local officials, and community leaders across the
7 Nation to obtain information and seek advice on important
8 law enforcement issues.

9 **SEC. 1025. MEMBERSHIP.**

10 (a) NUMBER AND APPOINTMENT.—The Commission
11 shall be composed of 24 members as follows:

12 (1) Eight individuals from among national law
13 enforcement officers, of whom—

14 (A) two shall be appointed by the Speaker
15 of the House of Representatives;

16 (B) two shall be appointed by the Majority
17 Leader of the Senate;

18 (C) two shall be appointed by the Minority
19 Leader of the House; and

20 (D) two shall be appointed by the Minority
21 Leader of the Senate.

22 (2) Eight individuals from national law enforce-
23 ment organizations representing law enforcement
24 management, of whom—

1 (A) two shall be appointed by the Speaker
2 of the House of Representatives;

3 (B) two shall be appointed by the Majority
4 Leader of the Senate;

5 (C) two shall be appointed by the Minority
6 Leader of the House; and

7 (D) two shall be appointed by the Minority
8 Leader of the Senate.

9 (3) Two individuals with academic expertise re-
10 garding law enforcement issues, of whom—

11 (A) one shall be appointed by the Speaker
12 of the House of Representatives and the Major-
13 ity Leader of the Senate; and

14 (B) one shall be appointed by the Minority
15 Leader of the Senate and the Minority Leader
16 of the House of Representatives.

17 (4) Two Members of the House of Representa-
18 tives, appointed by the Speaker and the Minority
19 Leader of the House of Representatives.

20 (5) Two Members of the Senate, appointed by
21 the Majority Leader and the Minority Leader of the
22 Senate.

23 (6) One individual from the Department of Jus-
24 tice, appointed by the President.

1 (7) The Comptroller General of the United
2 States, who shall serve as the chairperson of the
3 Commission.

4 (b) COMPENSATION.—

5 (1) IN GENERAL.—Members of the Commission
6 shall receive no additional pay, allowance, or benefit
7 by reason of service on the Commission.

8 (2) TRAVEL EXPENSES.—Each member of the
9 Commission shall receive travel expenses, including
10 per diem in lieu of subsistence, in accordance with
11 sections 5702 and 5703 of title 5, United States
12 Code.

13 (c) APPOINTMENT DATES.—Members of the Com-
14 mission shall be appointed no later than 90 days after the
15 enactment of this title.

16 **SEC. 1026. EXPERTS AND CONSULTANTS.**

17 (a) EXPERTS AND CONSULTANTS.—The Commission
18 may procure temporary and intermittent services under
19 section 3109(b) of title 5, United States Code.

20 (b) STAFF OF FEDERAL AGENCIES.—Upon request
21 of the Commission, the head of any Federal agency is au-
22 thorized to detail, on a reimbursable basis, any of the per-
23 sonnel of that agency to the Commission to assist the
24 Commission in carrying out its duties under this subtitle.

1 (c) ADMINISTRATIVE SUPPORT.—The Administrator
2 of General Services shall provide to the Commission, on
3 a reimbursable basis, administrative support services as
4 the Commission may request.

5 **SEC. 1027. POWERS OF COMMISSION.**

6 (a) HEARINGS.—The Commission may, for purposes
7 of this subtitle, hold hearings, sit and act at the time and
8 places, take testimony, and receive evidence, as the Com-
9 mission considers appropriate.

10 (b) DELEGATION OF AUTHORITY.—Any member or
11 agent of the Commission may, if authorized by the Com-
12 mission, take any action that the Commission is author-
13 ized to take by this section.

14 (c) INFORMATION.—The Commission may secure di-
15 rectly from any Federal agency information necessary to
16 enable it to carry out this subtitle. Upon request of the
17 chairperson of the Commission, the head of an agency
18 shall furnish the information to the Commission to the
19 extent permitted by law.

20 (d) GIFTS AND DONATIONS.—The Commission may
21 accept, use, and dispose of gifts or donations of services
22 or property.

23 (e) MAILS.—The Commission may use the United
24 States mails in the same manner and under the same con-
25 ditions as other Federal agencies.

1 **SEC. 1028. REPORT.**

2 Not later than the expiration of the 18-month period
3 beginning on the date of the appointment of the members
4 of the Commission, a report containing the findings of the
5 Commission and specific proposals for legislation and ad-
6 ministrative actions that the Commission has determined
7 to be appropriate shall be submitted to Congress.

8 **SEC. 1029. TERMINATION.**

9 The Commission shall cease to exist upon the expira-
10 tion of the 60-day period beginning on the date on which
11 the Commission submits its report under section 1028.

12 **SEC. 1030. AUTHORIZATION OF APPROPRIATIONS.**

13 There is authorized to be appropriated to carry out
14 this subtitle \$1,000,000 for fiscal year 1994.

15 **SEC. 1031. REPEALS.**

16 Title XXXIV of the Crime Control Act of 1990 (42
17 U.S.C. 3721 note) and section 211(B) of the Departments
18 of Commerce, Justice, and State, the Judiciary, and Re-
19 lated Agencies Appropriations Act, 1991 (42 U.S.C. 3721
20 note; 104 Stat. 2122) are repealed.

21 **TITLE XI—CIVIL RIGHTS**
22 **OFFENSES**

23 **SEC. 1101. INCREASED MAXIMUM PENALTIES FOR CIVIL**
24 **RIGHTS VIOLATIONS.**

25 (a) CONSPIRACY AGAINST RIGHTS.—Section 241 of
26 title 18, United States Code, is amended—

1 (1) by striking “not more than \$10,000” and
2 inserting “under this title”;

3 (2) by inserting “from the acts committed in
4 violation of this section or if such acts include kid-
5 napping or an attempt to kidnap, aggravated sexual
6 abuse or an attempt to commit aggravated sexual
7 abuse, or an attempt to kill” after “results”; and

8 (3) by inserting “and may be fined under this
9 title, or both” before the period.

10 (b) DEPRIVATION OF RIGHTS.—Section 242 of title
11 18, United States Code, is amended—

12 (1) by striking “not more more than \$1,000”
13 and inserting “under this title”;

14 (2) by inserting “from the acts committed in
15 violation of this section or if such acts include the
16 use, attempted use, or threatened use of a dangerous
17 weapon, explosives, or fire,” after “bodily injury re-
18 sults”;

19 (3) by inserting “from the acts committed in
20 violation of this section or if such acts include kid-
21 napping or an attempt to kidnap, aggravated sexual
22 abuse, or an attempt to commit aggravated sexual
23 abuse, or an attempt to kill,” after “death results”;
24 and

1 (4) by inserting “and may be fined under this
2 title, or both” before the period.

3 (c) FEDERALLY PROTECTED ACTIVITIES.—The first
4 sentence of section 245(b) of title 18, United States Code,
5 is amended in the matter following paragraph (5)—

6 (1) by striking “not more than \$1,000” and
7 inserting “under this title”;

8 (2) by inserting “from the acts committed in
9 violation of this section or if such acts include the
10 use, attempted use, or threatened use of a dangerous
11 weapon, explosives, or fire” after “bodily injury
12 results;

13 (3) by striking “not more than \$10,000” and
14 inserting “under this title”;

15 (4) by inserting “from the acts committed in
16 violation of this section or if such acts include kid-
17 napping or an attempt to kidnap, aggravated sexual
18 abuse or an attempt to commit aggravated sexual
19 abuse, or an attempt to kill,” after “death results”;
20 and

21 (5) by inserting “and may be fined under this
22 title, or both” before the period.

23 (d) DAMAGE TO RELIGIOUS PROPERTY.—Section
24 247 of title 18, United States Code, is amended—

1 (1) in subsection (c)(1) by inserting “from acts
2 committed in violation of this section or if such acts
3 include kidnapping or an attempt to kidnap, aggra-
4 vated sexual abuse or an attempt to commit aggra-
5 vated sexual abuse, or an attempt to kill” after
6 “death results”;

7 (2) in subsection (c)(2)—

8 (A) by striking “serious”; and

9 (B) by inserting “from the acts committed
10 in violation of this section or if such acts in-
11 clude the use, attempted use, or threatened use
12 of a dangerous weapon, explosives, or fire”
13 after “bodily injury results”; and

14 (3) by amending subsection (e) to read as fol-
15 lows:

16 “(e) As used in this section, the term ‘religious prop-
17 erty’ means any church, synagogue, mosque, religious
18 cemetery, or other religious property.”.

19 (e) FAIR HOUSING ACT.—Section 901 of the Fair
20 Housing Act (42 U.S.C. 3631) is amended—

21 (1) by striking “not more than \$1,000,” and in-
22 serting “under title 18, United States Code,”;

23 (2) by inserting “from the acts committed in
24 violation of this section or if such acts include the
25 use, attempted use, or threatened use of a dangerous

1 weapon, explosives, or fire” after “bodily injury re-
2 sults”;

3 (3) by striking “not more than \$10,000,” and
4 inserting “under title 18, United States Code,”;

5 (4) by inserting “from the acts committed in
6 violation of this section or if such acts include kid-
7 napping or an attempt to kidnap, aggravated sexual
8 abuse or an attempt to commit aggravated sexual
9 abuse, or an attempt to kill” after “death results”;

10 (5) by striking “subject to imprisonment” and
11 inserting “fined under title 18, United States Code,
12 or imprisoned”; and

13 (6) by inserting “, or both” after “life”.

14 **TITLE XII—PUBLIC CORRUPTION**

15 **SEC. 1201. SHORT TITLE.**

16 This title may be cited as the “Anti-Corruption Act
17 of 1993”.

18 **SEC. 1202. PUBLIC CORRUPTION.**

19 (a) OFFENSES.—Chapter 11 of title 18, United
20 States Code, is amended by adding at the end the follow-
21 ing new section:

22 **“§ 226. Public corruption**

23 “(a) STATE AND LOCAL GOVERNMENT.—

24 “(1) HONEST SERVICES.—Whoever, in a cir-
25 cumstance described in paragraph (3), deprives or

1 defrauds, or endeavors to deprive or to defraud, by
2 any scheme or artifice, the inhabitants of a State or
3 political subdivision of a State of the honest services
4 of an official or employee of the State or political
5 subdivision shall be fined under this title, imprisoned
6 not more than 10 years, or both.

7 “(2) FAIR AND IMPARTIAL ELECTIONS.—Who-
8 ever, in a circumstance described in paragraph (3),
9 deprives or defrauds, or endeavors to deprive or to
10 defraud, by any scheme or artifice, the inhabitants
11 of a State or political subdivision of a State of a fair
12 and impartially conducted election process in any
13 primary, run-off, special, or general election—

14 “(A) through the procurement, casting, or
15 tabulation of ballots that are materially false,
16 fictitious, or fraudulent or that are invalid,
17 under the laws of the State in which the elec-
18 tion is held;

19 “(B) through paying or offering to pay any
20 person for voting;

21 “(C) through the procurement or submis-
22 sion of voter registrations that contain false
23 material information, or omit material informa-
24 tion; or

1 “(D) through the filing of any report re-
2 quired to be filed under State law regarding an
3 election campaign that contains false material
4 information or omits material information,
5 shall be fined under this title, imprisoned not more
6 than 10 years, or both.

7 “(3) CIRCUMSTANCES IN WHICH OFFENSE OC-
8 CURS.—The circumstances referred to in paragraphs
9 (1) and (2) are that—

10 “(A) for the purpose of executing or con-
11 cealing a scheme or artifice described in para-
12 graph (1) or (2) or attempting to do so, a per-
13 son—

14 “(i) places in any post office or au-
15 thorized depository for mail matter, any
16 matter or thing to be sent or delivered by
17 the Postal Service, or takes or receives
18 therefrom any such matter or thing, or
19 knowingly causes to be delivered by mail
20 according to the direction thereon, or at
21 the place at which it is directed to be deliv-
22 ered by the person to whom it is ad-
23 dressed, any such matter or thing;

24 “(ii) transmits or causes to be trans-
25 mitted by means of wire, radio, or tele-

1 vision communication in interstate or for-
2 eign commerce any writings, signs, signals,
3 pictures, or sounds;

4 “(iii) transports or causes to be trans-
5 ported any person or thing, or induces any
6 person to travel in or to be transported in,
7 interstate or foreign commerce; or

8 “(iv) uses or causes the use of any fa-
9 cility of interstate or foreign commerce;

10 “(B) the scheme or artifice affects or con-
11 stitutes an attempt to affect in any manner or
12 degree, or would if executed or concealed affect,
13 interstate or foreign commerce; or

14 “(C) in the case of an offense described in
15 paragraph (2), an objective of the scheme or ar-
16 tifice is to secure the election of an official who,
17 if elected, would have any authority over the
18 administration of funds derived from an Act of
19 Congress totaling \$10,000 or more during the
20 12-month period immediately preceding or fol-
21 lowing the election or date of the offense.

22 “(b) FEDERAL GOVERNMENT.—Whoever deprives or
23 defrauds, or endeavors to deprive or to defraud, by any
24 scheme or artifice, the inhabitants of the United States
25 of the honest services of a public official or a person who

1 has been selected to be a public official shall be fined
2 under this title, imprisoned not more than 10 years, or
3 both.

4 “(c) OFFENSE BY AN OFFICIAL AGAINST AN EM-
5 PLOYEE OR OFFICIAL.—

6 “(1) CRIMINAL OFFENSE.—Whoever, being an
7 official, public official, or person who has been se-
8 lected to be a public official, directly or indirectly
9 discharges, demotes, suspends, threatens, harasses,
10 or in any manner discriminates against an employee
11 or official of the United States or of a State or polit-
12 ical subdivision of a State, or endeavors to do so, in
13 order to carry out or to conceal a scheme or artifice
14 described in subsection (a) or (b), shall be fined
15 under this title, imprisoned not more than 5 years,
16 or both.

17 “(2) CIVIL ACTION.—(A) Any employee or offi-
18 cial of the United States or of a State or political
19 subdivision of a State who is discharged, demoted,
20 suspended, threatened, harassed, or in any manner
21 discriminated against because of lawful acts done by
22 the employee or official as a result of a violation of
23 this section or because of actions by the employee on
24 behalf of himself or herself or others in furtherance
25 of a prosecution under this section (including inves-

1 tigation for, initiation of, testimony for, or assist-
2 ance in such a prosecution) may bring a civil action
3 and obtain all relief necessary to make the employee
4 or official whole, including—

5 “(i) reinstatement with the same seniority
6 status that the employee or official would have
7 had but for the violation;

8 “(ii) 3 times the amount of backpay;

9 “(iii) interest on the backpay; and

10 “(iv) compensation for any special dam-
11 ages sustained as a result of the violation, in-
12 cluding reasonable litigation costs and reason-
13 able attorney’s fees.

14 “(B) An employee or official shall not be af-
15 forded relief under subparagraph (A) if the employee
16 or official participated in the violation of this section
17 with respect to which relief is sought.

18 “(C)(i) A civil action or proceeding authorized
19 by this paragraph shall be stayed by a court upon
20 certification of an attorney for the Government that
21 prosecution of the action or proceeding may ad-
22 versely affect the interests of the Government in a
23 pending criminal investigation or proceeding.

1 “(ii) The attorney for the Government shall
2 promptly notify the court when a stay may be lifted
3 without such adverse effects.

4 “(d) DEFINITIONS.—In this section—

5 “‘official’ includes—

6 “(A) any person employed by, exercising
7 any authority derived from, or holding any posi-
8 tion in the government of a State or any sub-
9 division of the executive, legislative, judicial, or
10 other branch of government thereof, including a
11 department, independent establishment, com-
12 mission, administration, authority, board, and
13 bureau, and a corporation or other legal entity
14 established and subject to control by a govern-
15 ment or governments for the execution of a gov-
16 ernmental or intergovernmental program;

17 “(B) any person acting or pretending to
18 act under color of official authority; and

19 “(C) any person who has been nominated,
20 appointed, or selected to be an official or who
21 has been officially informed that he or she will
22 be so nominated, appointed, or selected.

23 “‘person acting or pretending to act under
24 color of official authority’ includes a person who rep-
25 represents that he or she controls, is an agent of, or

1 otherwise acts on behalf of an official, public official,
2 and person who has been selected to be a public offi-
3 cial.

4 “‘public official’ and ‘person who has been se-
5 lected to be a public official’ have the meanings stat-
6 ed in section 201 and also include any person acting
7 or pretending to act under color of official authority.

8 “‘State’ means a State of the United States,
9 the District of Columbia, Puerto Rico, and any other
10 commonwealth, territory, or possession of the United
11 States.

12 “‘uses any facility of interstate or foreign com-
13 merce’ includes the intrastate use of any facility that
14 may also be used in interstate or foreign com-
15 merce.”.

16 (b) TECHNICAL AMENDMENTS.—(1) The chapter
17 analysis for chapter 11 of title 18, United States Code,
18 is amended by adding at the end the following new item:

“226. Public corruption.”.

19 (2) Section 1961(1) of title 18, United States Code,
20 is amended by inserting “section 226 (relating to public
21 corruption),” after “section 224 (relating to sports brib-
22 ery),”.

23 (3) Section 2516(1)(c) of title 18, United States
24 Code, is amended by inserting “section 226 (relating to

1 public corruption),” after “section 224 (bribery in sport-
2 ing contests),”.

3 **SEC. 1203. INTERSTATE COMMERCE.**

4 (a) IN GENERAL.—Section 1343 of title 18, United
5 States Code, is amended—

6 (1) by striking “transmits or causes to be
7 transmitted by means of wire, radio, or television
8 communication in interstate or foreign commerce,
9 any writings, signs, signals, pictures, or sounds” and
10 inserting “uses or causes to be used any facility of
11 interstate or foreign commerce”; and

12 (2) by inserting “or attempting to do so” after
13 “for the purpose of executing such scheme or
14 artifice”.

15 (b) TECHNICAL AMENDMENTS.—(1) The heading of
16 section 1343 of title 18, United States Code, is amended
17 to read as follows:

18 **“§ 1343. Fraud by use of facility of interstate com-
19 merce”**

20 (2) The chapter analysis for chapter 63 of title 18,
21 United States Code, is amended by amending the item re-
22 lating to section 1343 to read as follows:

“1343. Fraud by use of facility of interstate commerce.”.

1 **SEC. 1204. NARCOTICS-RELATED PUBLIC CORRUPTION.**

2 (a) OFFENSES.—Chapter 11 of title 18, United
3 States Code, is amended by inserting after section 219 the
4 following new section:

5 **“§ 220. Narcotics and public corruption**

6 “(a) OFFENSE BY PUBLIC OFFICIAL.—A public offi-
7 cial who, in a circumstance described in subsection (c),
8 directly or indirectly, corruptly demands, seeks, receives,
9 accepts, or agrees to receive or accept anything of value
10 personally or for any other person in return for—

11 “(1) being influenced in the performance or
12 nonperformance of any official act; or

13 “(2) being influenced to commit or to aid in
14 committing, or to collude in, or to allow or make op-
15 portunity for the commission of any offense against
16 the United States or any State,

17 shall be guilty of a class B felony.

18 “(b) OFFENSE BY PERSON OTHER THAN A PUBLIC
19 OFFICIAL.—A person who, in a circumstance described in
20 subsection (c), directly or indirectly, corruptly gives, of-
21 fers, or promises anything of value to any public official,
22 or offers or promises any public official to give anything
23 of value to any other person, with intent—

24 “(1) to influence any official act;

25 “(2) to influence the public official to commit
26 or aid in committing, or to collude in, or to allow or

1 make opportunity for the commission of any offense
2 against the United States or any State; or

3 “(3) to influence the public official to do or to
4 omit to do any act in violation of the official’s lawful
5 duty,

6 shall be guilty of a class B felony.

7 “(c) CIRCUMSTANCES IN WHICH OFFENSE OC-
8 CURS.—The circumstances referred to in subsections (a)
9 and (b) are that the offense involves, is part of, or is in-
10 tended to further or to conceal the illegal possession, im-
11 portation, manufacture, transportation, or distribution of
12 any controlled substance or controlled substance analogue.

13 “(d) DEFINITIONS.—In this section—

14 “‘controlled substance’ and ‘controlled sub-
15 stance analogue’ have the meanings stated in section
16 102 of the Controlled Substances Act (21 U.S.C.
17 802).

18 “‘official act’ means any decision, action, or
19 conduct regarding any question, matter, proceeding,
20 cause, suit, investigation, or prosecution which may
21 at any time be pending, or which may be brought
22 before any public official, in such official’s official
23 capacity, or in such official’s place of trust or profit.

24 “‘public official’ means—

1 “(A) an officer or employee or person act-
2 ing for or on behalf of the United States, or
3 any department, agency, or branch of Govern-
4 ment thereof in any official function, under or
5 by authority of any such department, agency, or
6 branch of Government;

7 “(B) a juror;

8 “(C) an officer or employee or person act-
9 ing for or on behalf of the government of any
10 State, territory, or possession of the United
11 States (including the District of Columbia), or
12 any political subdivision thereof, in any official
13 function, under or by the authority of any such
14 State, territory, possession, or political subdivi-
15 sion; and

16 “(D) any person who has been nominated
17 or appointed to a position described in subpara-
18 graph (A), (B), or (C), or has been officially in-
19 formed that he or she will be so nominated or
20 appointed.”.

21 (b) TECHNICAL AMENDMENTS.—(1) Section 1961(1)
22 of title 18, United States Code, is amended by inserting
23 “section 220 (relating to narcotics and public corrup-
24 tion),” after “Section 201 (relating to bribery),”.

1 (2) Section 2516(1)(c) of title 18, United States
 2 Code, is amended by inserting “section 220 (relating to
 3 narcotics and public corruption),” after “section 201
 4 (bribery of public officials and witnesses),”.

5 (3) The chapter analysis for chapter 11 of title 18,
 6 United States Code, is amended by inserting after the
 7 item for section 219 the following new item:

“220. Narcotics and public corruption.”.

8 **TITLE XIII—FUNDING**

9 **SEC. 1301. REDUCTION IN OVERHEAD COSTS INCURRED IN** 10 **FEDERALLY SPONSORED RESEARCH.**

11 (a) CBO SCORING.—The Congressional Budget Of-
 12 fice estimates that the reduction in overhead payments for
 13 federally funded university research required by this sec-
 14 tion will produce savings of \$1,540,000,000 over 5 years
 15 (\$150,000,000 for fiscal year 1994, \$310,000,000 for fis-
 16 cal year 1995, \$350,000,000 for fiscal year 1996,
 17 \$360,000,000 for fiscal year 1997, and \$370,000,000 for
 18 fiscal year 1998).

19 (b) LIMITATION.—Notwithstanding any other law, on
 20 and after the date of the enactment of this Act, each head
 21 of a Federal agency making a grant to, or entering into
 22 a contract with, an institution of higher education for re-
 23 search and development, shall reduce the overhead pay-
 24 ment rate under the grant or contract to 90 percent of

1 the current level and return the amount saved to the gen-
2 eral fund of the Treasury.

3 (c) DEFINITIONS.—In this section—

4 “institution of higher education” has the mean-
5 ing stated in section 1201(a) of the Higher Edu-
6 cation Act of 1965 (20 U.S.C. 1141(a)).

7 “Federal agency” means a department, agency,
8 or instrumentality of the Federal Government (in-
9 cluding an executive agency (as defined in section
10 105 of title 5, United States Code)).

11 **SEC. 1302. OVERHEAD EXPENSE REDUCTION.**

12 (a) CBO SCORING.—The Congressional Budget Of-
13 fice estimates that the reduction in administrative costs
14 required by this section will produce savings of
15 \$6,000,000,000 over 5 years (\$1,200,000,000 in each of
16 fiscal years 1994, 1995, 1996, 1997, and 1998).

17 (b) REDUCTION.—The overhead expenses identified
18 and reduced by the President in Executive Order 12837
19 are hereby reduced by an additional 5 percent. The reduc-
20 tion required by this section shall be taken from the total
21 of such expenses before the reduction by the President.

1 **SEC. 1303. FUNDING OF PROGRAMS AUTHORIZED BY THIS**
2 **ACT.**

3 The amount of available budget authority resulting
4 from the enactment of sections 1301 and 1302 shall be
5 reallocated as follows:

6 (1) \$800,000,000 (\$100,000,000 for fiscal year
7 1994, \$125,000,000 for fiscal year 1995,
8 \$175,000,000 for fiscal year 1996, and
9 \$200,000,000 for each of fiscal years 1997 and
10 1998) for the hiring of former members of the
11 Armed Forces as police officers as authorized by sec-
12 tion 102(d).

13 (2) \$650,000,000 (\$100,000,000 for fiscal
14 years 1994 and 1995 and \$150,000,000 for each of
15 fiscal years 1996, 1997, and 1998) for cops on the
16 street grants as authorized by the amendment made
17 by section 112(c).

18 (3) \$250,000,000 for the Police Corps
19 (\$50,000,000 for fiscal year 1994 and \$100,000,000
20 for each of fiscal years 1995 and 1996) as author-
21 ized by section 130.

22 (4) \$300,000,000 (\$60,000,000 for each of fis-
23 cal years 1994, 1995, 1996, 1997, and 1998) for
24 community policing grants as authorized by the
25 amendment made by section 141(c).

1 (5) \$100,000,000 for fiscal year 1994 for im-
2 proved police training and technical automation as
3 authorized by section 153.

4 (6) \$2,000,000,000 for the construction of 10
5 new Federal prisons (\$200,000,000 for fiscal year
6 1994, \$400,000,000 for each of fiscal years 1995
7 and 1996, and \$500,000,000 for each of fiscal years
8 1997 and 1998) as authorized by section 165.

9 (7) \$1,000,000,000 for Federal grants for State
10 prison construction and operation (\$200,000,000 for
11 each of fiscal years 1994, 1995, 1996, 1997, and
12 1998, with \$100,000,000 of that available for con-
13 struction and \$100,000,000 available for operation)
14 as authorized by section 177.

15 (8) \$500,000,000 (\$100,000,000 for each of
16 fiscal years 1994, 1995, 1996, 1997, and 1998) for
17 the hiring of former members of the Armed Forces
18 as teachers as authorized by section 202(e).

19 (9) \$500,000,000 (\$100,000,000 for each of
20 fiscal years 1994, 1995, 1996, 1997, and 1998) for
21 the Federal safe school districts as authorized by
22 section 203(d).

23 (10) \$300,000,000 (\$60,000,000 for each of
24 fiscal years 1994, 1995, 1996, 1997, and 1998) for

1 the hiring of 1,000 additional Border Patrol agents
2 as authorized by section 321.

3 (11) \$385,000,000 (\$77,000,000 for each of
4 fiscal years 1994, 1995, 1996, 1997, and 1998) for
5 the hiring of 1,000 additional Immigration and Nat-
6 uralization Service criminal investigators as author-
7 ized by section 322.

8 (12) \$13,000,000 (\$5,000,000 for fiscal year
9 1994 and \$2,000,000 for each of fiscal years 1995,
10 1996, 1997, and 1998) for the operation of the
11 criminal alien tracking center as authorized by sec-
12 tion 323.

13 (13) \$100,000,000 to hire Assistant United
14 States Attorneys to prosecute gang activity
15 (\$20,000,000 for each of fiscal years 1994, 1995,
16 1996, 1997, and 1998) as authorized by section
17 431.

18 (14) \$1,000,000 for fiscal year 1994 for gang
19 investigation coordination and information collection
20 as authorized by section 432(d).

21 (15) \$250,000,000 (\$50,000,000 for each of
22 fiscal years 1994, 1995, 1996, 1997, and 1998) for
23 rural law enforcement as authorized by the amend-
24 ment made by section 501.

1 (16) \$5,000,000 (\$1,000,000 for each of fiscal
2 years 1994, 1995, 1996, 1997, and 1998) for rural
3 drug enforcement training as authorized by section
4 504(b).

5 (17) \$110,000,000 (\$25,000,000 for each of
6 fiscal years 1994 and 1995 and \$20,000,000 for
7 each of fiscal years 1996, 1997, and 1998) for rural
8 drug prevention and treatment as authorized by sec-
9 tion 511(h).

10 (18) \$100,000,000 (\$20,000,000 for each of
11 fiscal years 1994, 1995, 1996, 1997, and 1998) for
12 the hiring of additional Drug Enforcement Adminis-
13 tration agents as authorized by section 551.

14 (19) \$120,000,000 (\$60,000,000 for each of
15 fiscal years 1994 and 1995) for the prevention of
16 terrorism as authorized by section 811.

17 (20) \$40,000,000 (\$20,000,000 for fiscal year
18 1994 and \$10,000,000 for each of fiscal years 1995
19 and 1996) to fund improvement of child abuse crime
20 information as authorized by section 916(b)(2).

21 (21) \$1,000,000 for fiscal year 1994 to fund
22 the National Commission to Support Law Enforce-
23 ment as authorized by section 1030.

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